S. HRG. 99-532, PT. 2

VARIOUS AUTHORIZATIONS TO UNITS OF THE NATIONAL PARK SYSTEM AND AN ADDITION TO THE WILD AND SCENIC RIVER SYSTEM

HEARING

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS, RESERVED
WATER AND RESOURCE CONSERVATION

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

NINETY-NINTH CONGRESS

SECOND SESSION

ON

S. 530
H.R. 1343
S. 1766
S. 1819
H.R. 105
H.R. 934
H.R. 1390
H.R. 1963

FEBRUARY 21, 1986

PART 2

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VARIOUS AUTHORIZATIONS TO UNITS OF THE NATIONAL PARK SYSTEM AND AN ADDITION TO THE WILD AND SCENIC RIVER SYSTEM

FRIDAY, FEBRUARY 21, 1986

U.S. Senate, Subcommittee on Public Lands, Reserved Water and Resource Conservation, Committee on Energy and Natural Resources,

Washington, DC.

This subcommittee met, pursuant to notice, at 10:07 a.m., in room SD-366, Dirksen Senate Office Building, Hon. Malcolm Wallop, presiding.

Present: Senators Wallop, Murkowski, and Bumpers.

Also present: Tony Bevinetto, professional staff member; and Thomas B. Williams, professional staff member for the minority.

OPENING STATEMENT OF HON. MALCOLM WALLOP, A U.S. SENATOR FROM THE STATE OF WYOMING

Senator Wallop. Good morning. The Subcommittee on Public Lands, Reserved Water and Resource Conservation will hear testimony on a number of issues dealing with the National Park System as well as a proposal to designate a new component of the National Wild and Scenic River System. Those measures include:

S. 530 and H.R. 1343, to authorize the use of funds from the rental of floating drydock and other marine equipment to support the National Maritime Museum in San Francisco;

S. 1766, to designate the Cumberland terminus of the Chesapeake and Ohio Canal National Historical Park in honor of J. Glenn Beall, Sr.;

S. 1819, to amend the Wild and Scenic Rivers Act to designate certain segments of the Cache la Poudre River and the South Fork of the Cache la Poudre River in Colorado as a component of the National Wild and Scenic River System;

H.R. 105, to provide for the inclusion of the Washington Square area within Independence National Park, and for other purposes;

H.R. 934, to provide certain authority to reduce erosion within the Cuyahoga Valley National Recreation Area, and for other purposes;

H.R. 1390, to authorize additional long-term leases in the El Portal administrative site adjacent to Yosemite National Park, CA;

And H.R. 1963, to increase the development ceiling at Allegheny Portage Railroad National Historic Site and Johnstown Flood National Memorial in Pennsylvania and for other purposes, and to provide for the preservation and interpretation of the Johnstown

Flood Museum in the Cambria County Library Building, Pennsylvania.

I will place a copy of each of these bills and acts in the record.

The hearing record will remain open for 2 weeks after today, during which time written testimony on any of these measures can be submitted to the subcommittee. In the interest of time, I would ask that witnesses limit their testimony to 3 minutes. Additional written comments may be provided and the entire testimony, oral and written, will be included in the record.

[The texts of S. 530, H.R. 1343, S. 1766, S. 1819, H.R. 105, H.R. 934, H.R. 1390, and H.R. 1963 follow:]

II

99TH CONGRESS
1ST SESSION

S. 530

To authorize the use of funds from rental of floating drydock and other marine equipment to support the National Maritime Museum in San Francisco, California.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 27 (legislative day, FEBRUARY 18), 1985

Mr. CRANSTON (for himself and Mr. WILSON) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To authorize the use of funds from rental of floating drydock and other marine equipment to support the National Maritime Museum in San Francisco, California.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(f) of the Act entitled "An Act to establish the Golden Gate National Recreation Area in the State of California, and for other purposes", approved October 27, 1972 (Public Law 92-589; 16 U.S.C. 460bb-3(f)), is amended by—

(1) inserting in the second proviso after the words "the administration of said parcels" the following "and

of the AFDL-38 Drydock or other vessels or heavy marine equipment,"; and

(2) striking out "for the management of said parcels of property" in such proviso and substituting "for the management (including rental or lease) of said properties".

II

99TH CONGRESS
1ST SESSION

H. R. 1343

IN THE SENATE OF THE UNITED STATES

JULY 16, 1985

Received; read twice and referred to the Committee on Energy and Natural Resources

---

AN ACT

To authorize the use of funds from rental of floating drydock and other marine equipment to support the National Maritime Museum in San Francisco, California, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(f) of the Act entitled "An Act to establish the Golden Gate National Recreation Area in the State of California, and for other purposes", approved October 27, 1972 (Public Law 92-589; 16 U.S.C. 460bb-3(f)) is amended by—

(1) inserting in the second proviso after the words "the administration of said parcels" the following "and of the AFDL-38 Drydock or other vessels or heavy marine equipment,"; and

(2) striking out "for the management of said parcels of property" in such proviso and substituting "for the management (including rental or lease) of said properties".

SEC. 2. (a) Section 4(e) of the Act of October 27, 1972 (16 U.S.C. 460bb-3; 92 Stat. 3486), is amended by deleting the phrase ", for a period not exceeding five years from the date of the enactment of this legislation," and by inserting after "sailing vessel Balclutha" the following new phrase "and other historic vessels of the National Maritime Museum."

(b) Notwithstanding any other provisions of law, moneys collected pursuant to section 4(e) of the Act of October 27, 1972, (16 U.S.C. 460bb-3; 92 Stat. 3486), since November 10, 1983, shall be deemed to have been collected in accordance with such section as amended by this Act.

Passed the House of Representatives July 15, 1985.

Attest: BENJAMIN J. GUTHRIE,

Clerk.

II

99th CONGRESS
1st Session

S. 1766

To designate the Cumberland terminus of the Chesapeake and Ohio Canal National Historical Park in honor of J. Glenn Beall, Sr.

IN THE SENATE OF THE UNITED STATES

October 16 (legislative day, October 15), 1985

Mr. Mathias (for himself and Mr. Sarbanes) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To designate the Cumberland terminus of the Chesapeake and Ohio Canal National Historical Park in honor of J. Glenn Beall, Sr.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Cumberland terminus of the Chesapeake and Ohio Canal National Historical Park is hereby dedicated to J. Glenn Beall, Sr. in grateful recognition of his outstanding efforts to preserve and protect the canal and towpath from development.

(b) In order to carry out the provisions of this Act, the Secretary of the Interior is authorized and directed to provide such identification by signs, including changes in existing signs, materials, maps, markers, or other means as will appropriately inform the public of the contributions of J. Glenn Beall, Sr.

(c) The Secretary of the Interior is further authorized and directed to cause to be erected and maintained, within the exterior boundaries of the Cumberland terminus of the Chesapeake and Ohio Canal National Historical Park, an appropriate memorial to J. Glenn Beall, Sr. Such memorial shall be of such design and be located at such place as the Secretary shall determine.

(d) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

II

99TH CONGRESS
1ST SESSION

S. 1819

To amend the Wild and Scenic Rivers Act to designate certain segments of the Cache la Poudre River and the South Fork of the Cache la Poudre River in Colorado as a component of the National Wild and Scenic River System.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 1 (legislative day, OCTOBER 28), 1985

Mr. ARMSTRONG (for himself and Mr. HART) submitted the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To amend the Wild and Scenic Rivers Act to designate certain segments of the Cache la Poudre River and the South Fork of the Cache la Poudre River in Colorado as a component of the National Wild and Scenic River System.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF SEGMENTS FOR INCLUSION IN WILD AND SCENIC RIVERS SYSTEMS.

Section 3(a) of the Wild and Scenic River Act (16 U.S.C. 1274) is amended by adding at the end the following new paragraph:

"(56) Cache la Poudre, Colorado.—The following segments as generally depicted on the proposed boundary maps numbered   and dated   , published by the United States Department of Agriculture, each to be administered by the Secretary of Agriculture:

"(A) Beginning at Poudre Lake downstream to the confluence of Joe Wright Creek, as a wild river. This segment to be designated the 'Peter H. Dominick Wild River Area'.

"(B) Downstream from the confluence of Joe Wright Creek to a point where the river intersects the easterly north-south line of the west half southwest quarter of section 1, township 6 north, range 71 west of the sixth principal meridian, as a recreational river.

"(C) South Fork of the Cache la Poudre River from its source to the Commanche Peak Wilderness Boundary, approximately four miles, as a wild river.

"(D) Beginning at the Commanche Peak Wilderness Boundary to a point on the South Fork of the Cache la Poudre River in section 1, township 7 north, range 73 west of the sixth principal meridian, at elevation 8050 mean sea level, as a recreational river.

"(E) South Fork of the Cache la Poudre River from its intersection with the easterly section line of section 30, township 8 north, range 72 west of the sixth principal meridian, to confluence of the main stem of the Cache la Poudre River, as a wild river.

Effective beginning October 1, 1986, for purposes of the segments designated under this paragraph, there are authorized to be appropriated such sums as may be necessary for acquisition of lands and interests in lands and for development.".

SEC. 2. SAVINGS PROVISIONS.

Inclusion of the designated portions of the Cache la Poudre River and the Wild and Scenic Rivers system under section 1 of this Act shall not interfere with the exercise of existing decreed water rights to water which has heretofore been stored or diverted by means of the present capacity of storage, conveyance, or diversion structures that exist as of the date of enactment of this Act, or operation and maintenance of such structures. Nor shall inclusion of the designated portions of the Cache la Poudre River in the Wild and Scenic Rivers System be utilized in any Federal proceeding, whether concerning a license, permit, right-of-way, or other Federal action, as a reason or basis to prohibit the development or operation of any water impoundments, diversion facilities, and hydroelectric power and transmission facilities below Poudre Park located entirely downstream from and potentially affecting designated portions of the Cache la Poudre River, or relocation of highway 14 to any point east of the north-south half section line of section 2, township 8 north, range 71 west of the sixth principal meridian, as necessary to provide access to Poudre Park around such facilities: *Provided*, That due consideration shall be given to reasonable measures for minimizing the impact of such facilities and road relocation on the designated segments. Congress finds that development of water impoundments, diversion facilities, and hydroelectric power and transmission facilities located entirely downstream from the designated portions of the Cache la Poudre River below Poudre Park, in accordance with the provisions of this section, is not incompatible with the designation of portions of the Cache la Poudre River in the Wild and Scenic Rivers system under section 1 of this Act. The reservation of water established by the inclusion of portions of the Cache la Poudre River in the Wild and Scenic Rivers System shall be subject to the provisions of this Act, shall be adjudicated in Colorado Water Court, and shall have a priority date as of the date of enactment of this Act.

SEC. 3. STUDY AND REPORT.

(a) GRANTS AND ASSISTANCE.—The Secretary of Agriculture, acting through the Chief of the United States Forest Service, shall provide grants and technical assistance to the City of Fort Collins, Colorado, to carry out a study regarding the designation of the following area as a national recreation area: the 18.5-mile segment of the Cache la Poudre River Corridor from the northwest boundary of the city of Fort Collins urban growth area to the Weld-Larimer County line.

(b) STUDY.—The study under this section shall include each of the following:

(A) A comprehensive evaluation of the public recreation opportunities and flood plain management options which are available with respect to the river corridor involved.

(B) An evaluation of the natural, historical, and recreational values of such corridor.

(C) Patterns for possible land acquisition within the corridor which are deemed necessary for the purpose of resource protection, scenic and integrity, or management and administration of the corridor area.

(D) Cooperative management proposals for the administration of the corridor area.

(E) The number of visitors and types of public use within the corridor area that can be accommodated in accordance with the full protection of its resources.

(F) The facilities deemed necessary to accommodate and provide access for such visitors and uses, including the location and estimated costs of such facilities.

(c) REPORT TO CONGRESS.—Within three years of the date of enactment of this Act, the Secretary of Agriculture shall transmit to the Congress a comprehensive report containing the results of the study conducted pursuant to this section.

(d) FUNDING.—There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

(e) COST SHARING.—Not more than 75 per centum of the cost of the study carried out under this section shall be paid by the United States. The remaining portion of such costs shall be contributed by interested parties. The portion contributed by such interested parties may consist of appropriated funds or contributed services.

II

99TH CONGRESS
1ST SESSION

H. R. 105

IN THE SENATE OF THE UNITED STATES

MAY 14 (legislative day, APRIL 15), 1985

Received; read twice and referred to the Committee on Energy and Natural Resources

AN ACT

To provide for the inclusion of the Washington Square area within Independence National Park, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 28, 1948 (62 Stat. 1061; 16 U.S.C. 407 et seq.), is amended by adding the following new section at the end thereof:

"SEC. 8. (a) The area known as Washington Square (bounded generally by Walnut Street on the north, Sixth Street on the east, and the intersecting streets named 'Washington Square' on the west and south) is hereby included within the Independence National Historical Park.

"(b) The Secretary of the Interior is authorized to enter into a cooperative agreement with the city of Philadelphia (acting through its designated agency, the Fairmount Park Commission) to provide technical assistance in the preservation and interpretation of the property known as Washington Square. Such agreement shall contain, but shall not be limited to, provisions that the Secretary, through the National Park Service, shall have right of access at all reasonable times to all public portions of the property for the purpose of conducting visitors through the grounds and interpreting them to the public, and that no major changes or alterations shall be made in the property, including its buildings and grounds, except by mutual agreement between the Secretary and the city.".

Passed the House of Representatives May 13, 1985.

Attest: BENJAMIN J. GUTHRIE,
Clerk.

II

99TH CONGRESS
1ST SESSION

H. R. 934

IN THE SENATE OF THE UNITED STATES

MAY 14 (legislative day, APRIL 15), 1985

Received; read twice and referred to the Committee on Energy and Natural Resources

AN ACT

To provide certain authority to reduce erosion within the Cuyahoga Valley National Recreation Area, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 4(c) of the Act of December 27, 1974 (88 Stat. 1784; 16 U.S.C. 460ff–3(c)) is amended by inserting "(1)" after "(c)" and by adding the following at the end thereof:

"(2) The Secretary is authorized and directed, in cooperation with the Secretary of Agriculture, the State of Ohio, and affected local governments, to undertake a program of land treatment for the purpose of restoring suitable vegetative cover to substantially eliminate erosion from all lands, public and private, within the authorized boundaries of the recreation area. In the case of any private lands, within such authorized boundaries such treatment may be undertaken only with the consent of the owner thereof and shall be contingent upon assurances that such land treatment will be maintained by the owner for a period of not less than ten years. The Secretary shall, in conjunction with such program, take such actions as may be required to correct areas of ecological degradation which create hazards to health and safety.".

(b) Section 6 of such Act (16 U.S.C. 460ff–5) is amended by adding the following at the end thereof:

"(c) There are hereby authorized to be appropriated not more than $500,000 for fiscal year 1986, $1,000,000 for fiscal year 1987, $1,500,000 for fiscal year 1988, and $1,750,000 for fiscal year 1989, to carry out the provisions of section 4(c)(2) of this Act. Any amounts authorized to be appropriated for any fiscal year under this subsection which are not appropriated for that fiscal year shall remain available for appropriation in succeeding fiscal years.".

SEC. 2. No authority under this Act to enter into contracts or to make payments shall be effective except to the extent and in such amounts as provided in advance in appropriations Acts. Any provision of this Act which authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1985.

Passed the House of Representatives May 13, 1985.

Attest: BENJAMIN J. GUTHRIE,
Clerk.

II

99TH CONGRESS
1ST SESSION

H. R. 1390

IN THE SENATE OF THE UNITED STATES

JULY 16, 1985

Received, read twice and referred to the Committee on Energy, and Natural Resources

---

AN ACT

To authorize additional long-term leases in the El Portal administrative site adjacent to Yosemite National Park, California, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to authorize the Secretary of the Interior to grant long-term leases with respect to lands in the El Portal administrative site adjacent to Yosemite National Park, California, and for other purposes", approved July 21, 1968 (82 Stat. 393; 16 U.S.C. 47-2), is amended—

(1) by striking out "fifty-five years to any operator of concession facilities in the park, or its successor for purposes of providing employee housing.", in the first sentence of the first section and inserting in lieu thereof "not to exceed ninety-nine years to any individual, including an employee of the United States Government, to any operator of concession facilities in the park, or the administrative site, or its successor, or to any public or private corporation or organization (including a nonprofit corporation) for purposes of providing employee housing, community facilities, administrative offices, maintenance facilities, and commercial services.";

(2) by striking out "the concessioner may sublease the property to its employees" in the second sentence of the first section and inserting in lieu thereof "if the lessee is a concessioner, corporation, or other organization (including a nonprofit corporation) such lessee may sublease the property to its employees, employees of the United States Government, or other individuals whose residence on the leased premises is solely in support of Yosemite National Park or the El Portal administrative site;

(3) in the proviso to the first section by striking out "an annual", inserting a period after "him", and deleting the remainder of the sentence; and

(4) by redesignating "SEC. 2." as "SEC. 3." and inserting the following new section after the first section:

"SEC. 2. (a) Notwithstanding any other provision of law, the proceeds from any leases issued by the Secretary pursuant to the first section of this Act may be credited to the appropriation bearing the cost of administering (directly or by contract) the leases and of constructing, improving, and maintaining roads, utilities, buildings, and other facilities within the El Portal administrative site. In the administration of the leases, the Secretary may contract for the management of the leases and of the leased premises, subject to such terms and conditions, including the right of the Secretary to purchase and sell the unexpired terms of leases and subleases, as will protect the interests of the United States. The Secretary may also contract for the use by him of any improvements to leased property for purposes of the El Portal administrative site or for purposes of Yosemite National Park, and he may use the proceeds from any leases for the purpose of making payments under any such contract.

"(b) The Secretary may at any time acquire the unexpired term of any lease or sublease issued or entered into pursuant to this Act by purchase with funds available from the proceeds of leases, or with donated or appropriated funds, or by donation or exchange."; and

(5) by adding at the end thereof the following new section:

"SEC. 4. After the date of enactment of this section, no lease may be issued for the purpose of providing housing or other facilities in the El Portal administrative site except in accordance with regulations promulgated by the Secretary of the Interior. Such regulations shall establish the qualifications of natural persons and corporations who may be eligible to acquire a lease and a sublease, and they shall set forth the circumstances under which the Secretary may elect to acquire any unexpired lease or sublease. Such regulations shall become effective only after sixty calendar days from the day on which they have been submitted to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.".

"SEC. 5. Concurrent with the submission of the regulations referred to in section 4, the Secretary shall submit a summary report on the El Portal administrative site including existing and projected lease arrangements at that time contemplated to be exercised under the provisions of this Act, along with a timetable for the consequent removal of specific facilities in Yosemite National Park (with particular emphasis on Yosemite Valley). Not later than three years after the date the summary report is submitted, the Secretary shall submit an additional report to the committees referenced in section 4 as to the progress achieved in the development of the El Portal administrative site pursuant to the provisions of this Act. The report also shall include information as to the progress achieved in removal of facilities from Yosemite National Park. Implementation of the provisions of this Act shall at all times be in full accord with the then current general management plan for the park.

"SEC. 6. Any new spending authority (within the meaning of section 401 of the Congressional Budget and Impoundment Control Act of 1974) which is provided under this Act shall be effective for any fiscal year only to the extent or in such amounts as provided in appropriation Acts or to the extent that proceeds are available from any leases issued by the Secretary pursuant to the first section of this Act.".

Passed the House of Representatives July 15, 1985.

Attest: BENJAMIN J. GUTHRIE,

Clerk.

II

99TH CONGRESS
1ST SESSION

H. R. 1963

IN THE SENATE OF THE UNITED STATES

OCTOBER 1 (legislative day, SEPTEMBER 30), 1985

Received; read twice and referred to the Committee on Energy and Natural Resources

---

AN ACT

To increase the development ceiling at Allegheny Portage Railroad National Historic Site and Johnstown Flood National Memorial in Pennsylvania, and for other purposes, and to provide for the preservation and interpretation of the Johnstown Flood Museum in the Cambria County Library Building, Pennsylvania.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS FOR HISTORIC SITE AND NATIONAL MEMORIAL.

Section 5 of the Act of August 31, 1964 (78 Stat. 752), is amended by inserting "(a)" after "SEC. 5." and adding the following new subsection at the end thereof:

"(b) In addition to such sums as may have been authorized for development prior to the enactment of this subsection, effective October 1, 1986, there is authorized to be appropriated not to exceed $9,800,000 for the purposes of development at both Allegheny Portage Railroad National Historic Site and Johnstown Flood National Memorial.".

SEC. 2. JOHNSTOWN FLOOD MUSEUM AGREEMENT.

Section 4 of the Act of August 31, 1964 (78 Stat. 752), is amended by inserting "(a)" after "SEC. 4." and by adding the following new subsection at the end thereof:

"(b) In furtherance of the purposes of this Act, the Secretary of the Interior is authorized to enter into an agreement with the Johnstown Flood Museum Association, pursuant to which the Secretary may—

"(1) provide technical assistance to mark, restore, interpret, operate, and maintain the Johnstown Flood Museum, and

"(2) with funds appropriated specifically for the purpose, provide financial assistance to mark, restore, interpret, operate, and maintain the museum.

No Federal funds may be used to provide financial assistance to the Johnstown Flood Museum Association until the agreement referred to in this subsection has been executed. Financial assistance under paragraph (2) shall not cover more than 50 percent of the costs described in paragraph (2). The remaining share of such costs shall be provided from non-Federal funds, services, or materials, or any combination thereof. The Secretary may also accept the donation of the building and collection owned by the Johnstown Flood Museum Association and the parcel of land on which such building is situated. Following acceptance by the Secretary, such parcel shall be included within the boundary of the Johnstown Flood National Memorial without regard to any acreage limitations set forth in any other provision of law.".

Passed the House of Representatives September 30, 1985.

Attest: BENJAMIN J. GUTHRIE,
Clerk.

Senator **Wallop**. I have a request from Senator Specter. There you are.

If you might proceed.

STATEMENT OF HON. ARLEN SPECTER, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

Senator **Specter**. Mr. Chairman, thank you for convening this hearing and for your courtesy in calling on me at this time. I am here this morning to testify briefly on two bills: H.R. 105, which would include Washington Park and the historic section of Philadelphia within the Independence Historical Park; and H.R. 1963, which will increase the development ceiling of Allegheny Portage Railroad National Historic Site and the Johnstown Flood National Memorial to provide for preservation of the flood museum in the Cambria County Library Building.

Mr. Chairman, I would ask unanimous consent that my statement be included in the record.

Senator **Wallop**. It will be, of course.

Senator **Specter**. Then I will summarize briefly and try to stay within the 3-minute rule.

Mr. Chairman, Washington Square is a beautiful square immediately adjacent and catty-corner to the Independence Park. And there is great interest in Pennsylvania and in the city of Philadelphia in having this included as part of the Independence National Historical Park.

There has been objection in the past because of concern as to funding, and this legislation specifically excludes any funding responsibility. The advantage to have this within the Independence Square site is that it would encourage tourists to come to this specific locale. And, as I say, you just have to walk across the street catty-corner and you are there.

There is a provision for technical assistance, which should not be expensive. There had been a concern raised in the testimony of the Deputy Director of the National Park Service about this being the opening wedge for funding, and I can understand that kind of concern. I think that can be met by an explicit provision in the law that there is to be no funding that is not asked for and that can be accommodated.

There is another concern as to whether this is really part of the historical background of the city, and I would suggest to you, Mr. Chairman, that it is. What you have is Independence Square on Chestnut Street between Fifth and Sixth and then the Liberty Bell has been moved into a separate building and there is a large mall. And then coming back to Walnut Street, catty-corner there is Washington Square and the beautiful Society Hill section of the city of Philadelphia where there would be enormous benefit to the city and to the State to having this included, and I think it can be accommodated without really any inconvenience or problem to the Federal Government in these days of austerity.

You have a standing invitation, Senator Wallop, to visit our State and our city and perhaps there may be some occasion where you can take a look at this. It is easy to describe technically; it is impossible to describe in terms of its beauty and historical setting.

William Penn landed there at the foot of the Delaware and the city grew there and is really the cradle of liberty and a marvelous part of America drawing numerous tourists, and to have this included really has some substantial significance.

Mr. Chairman, the provisions of H.R. 1963 relate to the development of the historic sites in Johnstown, PA, and I would suggest to the chairman that there is a very unique and important reason for enacting this bill.

The Johnstown flood was an event which has worldwide significance. As something when someone wishes to cite something as a catastrophe, you say, "Well, it couldn't be worse or as bad as the Johnstown flood." When you're talking about floods, that's a constant point of reference. And what happened was on May 31, 1889, the South Fork Dam broke after a heavy rain, causing the country's first catastrophe that attracted national attention since the Civil War. And I am now reading from the statement of Hon. Denis P. Galvin, Deputy Director of the National Park Service.

And his statement puts this in its perspective, and I will read it for just a brief moment:

> The colossal wall of water swept everything in its path to destruction, including some 2,200 people, reduced Johnstown to shambles and brought the threats of typhoid, starvation, and overexposure to all survivors. In the true spirit of America, organizations, individuals, and quickly organized groups from all across the country met the challenge of helping the victims of this tragedy. The country was united behind the cause for humanity that everyone felt a spark of national pride during a period when they were still suffering from the bitterness of the reconstruction. It is to this great spirit of America and the tragedy behind it that the Johnstown Flood National Memorial was set aside on August 31, 1964.

I don't think it could be said better, Mr. Chairman, as to the unique significance of this area. I would supplement it in only one respect and it is this: In an era when we have had economic recovery in this country, thanks to the policies of the administration, western Pennsylvania and Johnstown have been notably excepted from that because of the heavy incidence of the steel industry.

There have been massive layoffs in the Johnstown area occasioned by the closing of steel mills for reasons that you full well understand, Mr. Chairman; import subsidies dumping horrendous trade practices.

There have been similar problems in the adjacent area in Cambridge County with the coal mines closing, again causing economic dislocation to have this national recognition for the site would be a shot in the arm for Johnstown, PA. And it is the sort of an accommodation that can be made. The funding circumstances, I think, can be tailored; they can be minimized. Just the recognition on the part of the National Park Service is something that would be of enormous benefit to the community.

And it is for those reasons that I urge favorable consideration by the subcommittee—the committee and the full Senate and Congress.

[The prepared statement of Senator Specter follows:]

Statement of Hon. Arlen Specter, A U.S. Senator From the State of Pennsylvania

Mr. Chairman, I am pleased to take the opportunity today to testify on behalf of two pieces of legislation that are of great importance to the people of Pennsylvania:

H.R. 105, which will include Washington Square Park, in the historic section of Philadelphia, within the Independence National Historical Park; and H.R. 1963, which will increase the development ceiling at Allegheny Portage Railroad National Historic Site and the Johnstown Flood National Memorial and provide for the preservation of the Flood Museum in the Cambria County Library Building.

Including the Washington Square area within Independence National Park, the Congress is at last giving tribute to an historic and important part of our national heritage. The legislation before us today, H.R. 105, directs the National Park Service to commit only its technical assistance and advice to agencies of the City of Philadelphia, so it will really cost us nothing. The benefits to the people and tourism industries of Philadelphia, though, is incalculable.

The Washington Square Park ranks among the most historically rich regions in our nation through its link to the American Revolutionary War. In 1706, it was designated by the City Council "For a Comon and Publik Burying Ground." It is this function which connects this park so vitally with American history.

Throughout the Revolutionary War, the Washington Square area served as a burial ground for the brave troops of our Independence. The area's eventual name would be derived from the leader of these troops. After visiting the grounds after a hard winter in 1777, John Adams wrote, "I never in my whole life was so affected with melancholy." Washington Square serves as a symbol of the courage and virtue of America from its earliest times.

The Washington Square area is as old as Philadelphia itself, but it has enjoyed more obscurity than celebrated attention. In 1815, it was turned into a park, and trees were planted by the French botanist, Francois Andre Michaux. In 1825, the City Commissioners renamed it Washington Square, and a movement ensued to erect a memorial in the Square to Washington. Money was collected in 1833 and a cornerstone for the memorial was laid in the center of the Square.

Washington Square received brief notoriety in 1870 when it was proposed that the new City Hall should be erected either on Washington Square or Penn Square. Penn Square was selected by ballot vote and Washington Square became, once again, a remote site of little-known significance.

Today, the national recognition which Washington square so richly deserves can best be achieved with passage of this bill to include it within Independence National Historical Park. This legislation has passed the House of Representatives in the last two Congresses, and I introduced similar legislation myself in the last Congress. I urge my colleagues on this Subcommittee and on the full Senate Committee on Energy and Natural Resources to give this important measure favorable consideration.

I also urge my colleagues to support another measure of importance to Pennsylvania, H.R. 1963, which authorizes an increase of $9.8 million in the development ceiling for the Johnstown Flood National Memorial and the Allegheny Portage Railroad Historical Site as well as providing for a cooperative agreement between the Flood Museum and the Secretary of the Interior.

The people of Johnstown are highly desrving of this legislation. Pennsylvanians as a rule are people with great character, but the people in the Johnstown area are some of the most bravely resilient people in the world. Their community has seen the worse that there is to offer, from the closed gates of steel mills to torrential flooding, and yet the residents of Johnstown have never lost their spirit.

The increase in the development ceiling will enable discretionary spending for the purpose of funding various projects, including the construction of a visitor center for the Johnstown Memorial, stabilization of historic structures and trail and road upgrading.

I am pleased that the distinguished Chairman of the Subcommittee has expeditiously moved to consider this measure because passage would ensure that these various projects will be completed by 1989, when the centennial of the great Johnstown flood will be commemorated. The raise in the development ceiling does not require further expenditures, but rather directs adequate funding within existing guidelines.

This legislation will greatly assist the tourism industry and the economy of the area. More importantly, however, it represents a tribute to the resiliency and spirit of the people of Johhnstown, and I urge my colleagues to support it.

[By order of Senator Wallop prepared statements of Senators Armstrong, Heinz, Wilson, and Hart; and Representative Hank Brown follow:]

STATEMENT BY SENATOR ARMSTRONG
BEFORE SENATE SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER AND RESOURCE CONSERVATION
February 21, 1986

MR. CHAIRMAN: I am grateful to you and the members of the Subcommittee for this opportunity to speak on behalf of S. 1819, a bill to designate certain segments of the Cache la Poudre River and the South Fork of the Cache la Poudre River in Colorado as a component of the National Wild and Scenic River System. This proposal is the product of extensive negotiations among affected citizens in weighing the protection of the river with options for water project development.

This legislation has been in the making for a number of years. In fact, as early as 1963, the Colorado Governor's Conference on Parks and Recreation recommended in a task force report on unique, natural, and primitive areas that, "Colorado preserve the mountainous portion of a natural river on each slope of the Continental Divide. The Poudre is suggested for the Eastern Slope." But the most significant event that precipitated this legislation was an amendment to the Wild and Scenic Rivers Act of 1968 sponsored by the late Senator Peter H. Dominick of Colorado. To bring us all to this point in time, let me summarize some of the history leading up to this legislation.

The Forest Service began studying the river for wild and scenic designation in 1977. The draft environmental impact statement and proposed recommendations, covering 83 miles of the upper reaches of the river, were issued for public comment in early 1980--over 1,300 comments resulted. Last spring, the White House recommended that 62 miles of the river be designated. This bill would designate 75 miles of the river which represents a consensus agreement of Northern Colorado long-term interests.

The Cache la Poudre River is a marvelously unique, free-flowing body of water representing the largest remaining stretch of undeveloped river in the United States east of the Rocky Mountains. Beginning at the Continental Divide in Rocky Mountain National Park, the River flows east through Roosevelt National Forest and the Colorado cities of LaPorte, Fort Collins, and Greeley, before joining the South Platt River. Beginning at the river's source at Poudre Lake in Rocky Mountain National Park, the bill would preserve the Cache la Poudre through the town of Poudre Park. In honor of Senator Dominick, this bill would label the first 18 miles of the river as the "Peter H. Dominick Wild River Area." This bill proposes designating 31 miles of the river as "wild" and 44 miles as "recreational". The legislation provides that nothing in the act would affect storage and hydroelectric projects downstream of the designated portions of the river, and also includes authorization for land acquisition from willing sellers along the designated portions of the river. Private property rights are protected by the bill, with acquisitions of public rights-of-way and scenic easements occurring only where necessary and only when owners wish to sell. The legislation would additionally grandfather existing water developments to insure that conflicts in the maintenance and management of those projects do not occur.

This bill is identical to HR 3547, which was introduced in the House by my colleague Congressman HANK BROWN on October 10, 1985. As Congressman BROWN said recently:

> This legislation is the result of long negotiations between the northern Colorado water community and local and national environmental groups. It represents the best spirit of compromise in terms of the long-term interests of all of Northern Colorado. The individuals involved should be proud of their contribution to our future.

I commend all of the parties involved for their spirit of cooperation and the effort to balance irreplaceable environmental values with Colorado's critical need to conserve and manage its limited water supplies. This is the kind of cooperative attitude that can resolve many basic differences that we now confront on natural resource management issues.

Because we are in a formative period in the West in establishing the position of the Federal Government in our water management systems, it is important to consider the precedent any new legislation designating special management of federal lands might have on similar designations in the future. This law, if enacted, will establish the first Wild and Scenic river in Colorado, and the water experts involved in the negotiation process have assured me that adequate provision has been made to prevent unexpected and unintended effects on water rights and future water development on the river. This bill, however, is not intended in any way to establish water law for any other river or portions of this river not designated.

I recommend this bill to the Committee today as a sincere effort to resolve the conflicts that have arisen from this proposed designation. This proposal has been drafted with a precise effect in mind and what is not expressly said in the bill is not intended. A recent court decision relating to wilderness designations has shown a willingness of the courts to infer purposes never intended by the Congress. I believe this proposal clearly expresses the agreement reached. Should the Committee, however, find that an unforeseen water precedent might result from this proposal, the bill should be amended to restrict it to its original purposes as intended by the parties to the agreement.

Statement by Senator John Heinz

Mr. Chairman, first I want to express my appreciation to you and the Committee for holding this hearing at the request of Senator Specter and myself to consider HR 1963. This legislation authorizes an increase of $9.8 million in the development ceiling for the Allegheny Portage Railroad National Historic Site and the Johnstown Flood National Memorial. HR 1963 is of vital importance to the preservation of America's heritage as embodied in these two park system units located in Cambria County, Pennsylvania.

The Allegheny Portage Railroad, built between 1831 and 1834 and operated until 1857, was the first railroad to cross the Allegheny Mountains and was considered an engineering marvel in its day. The portage system used a series of 10 inclined planes that functioned as stairs up the mountain to transport machine and freight up and over a 2,291 foot point in the Allegheny Mountains. The portage system was abandoned in 1857, when more advanced railroad systems came into operation.

The Johnstown Flood National Memorial is located at the remains of the South Fork earthen dam which broke in 1889 and triggered the Johnstown Flood. In the flood, the City of Johnstown was almost completely destroyed and over 2200 people were killed. The Johnstown Flood was the major news event of the time and has been remembered as one of the most dramatic natural catastrophes in history.

The $9.8 million increase in the development ceiling authorized by HR 1963 would enable discretionary spending for the purpose of funding projects contained in the 1980 General Management Plan. Proposed projects include: the construction of a visitor's center for the Johnstown Memorial; the rehabilitation of the historic Lemon House at Allegheny Portage for visitor and administrative use; the stabilization of historic structures; and the upgrading of trails and roads. Although existing development authority remains, the current development ceiling of $6,079,600 is insufficient to cover the planned Johnstown Flood Visitor Center, as well as the other development projects.

It is with an eye to the future that I support the goals of HR 1963, which will permit the completion of these planned construction projects before 1989 when the centennial of the Great Flood will be commemorated. In order to meet that schedule, the development ceiling must be raised this year. This legislation is important for Pennsylvania's tourism industry and the Commonwealth's economy. Every year between 14,000 and 16,000 people visit the flood memorial and this number is expected to greatly increase during the centennial year. Thousands of Johnstown area residents earn their living from tourism and further development of these two historic sites can only help the city revitalize its economic base.

I strongly urge that you report HR 1963, which the House has already passed, favorably and expeditiously. Thank you for your time and consideration of this matter.

STATEMENT OF SENATOR PETE WILSON

BEFORE THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON PUBLIC LANDS, RESERVED

WATER AND RESOURCE CONSERVATION

IN SUPPORT OF S. 530

FEBRUARY 21, 1986

Mr. Chairman, I want to thank you and the other members of the Committee for holding this hearing to consider S. 530. I appreciate the opportunity to provide testimony in support of this legislation.

Mr. Chairman, I sponsored S. 530 because it offers a rare opportunity to save a bit of the past for the benefit of the future. Simply, this legislation will further support the National Park Service efforts to maintain and restore seven historic ships in the National Maritime Museum.

Federal deficits necessitate that innovative financing methods are implemented rather than new federal appropriations. To this end, S. 530 would amend the Act establishing the Golden Gate National Recreation Area by including the AFDL-38 drydock or other vessels or heavy marine equipment among the properties that may be managed by contact with other entities. Such management may include the rental or lease of property. The revenues generated will be used by the National Park Service to support and renovate the historic vessels at the National Maritime Museum in San Francisco, California.

The National Park Service has responsibility for seven historic ships in the National Maritime Museum and the need for a creative financing mechanism to restore the fleet of historic ships is clear. Five of the ships are on display at the Hyde

Street Pier in San Francisco, and a sixth is berthed nearby at Fisherman's Wharf. A seventh ship, the WAPAMA, which is of particular interest to me, has deteriorated to the point where it cannot be displayed and is in storage.

Each of these vessels is a unique memorial to the history of our country. Specifically, the WAPAMA offers a glimpse at a mode of transportation that helped to build the West Coast. S. 530 will allow for the preservation of this 205-foot long, 68 year-old, wooden steam schooner. The WAPAMA is the last of 225 wooden-hulled steam schooners which once plied their trade along the Pacific Coast from Alaska to San Diego and transported much of the timber used to build the cities of the Bay Area, Puget Sound, San Diego, and Los Angeles. These ships were frequent visitors at such ports from the 1880's until well into this century.

In 1949, the WAPAMA was retired from service and sold to a scrapyard where she remained for several years and quickly fell into disrepair. In 1955, legislation was introduced in the California State Legislature which provided for the establishment of a State Maritime Historical Park in San Francisco. There, the WAPAMA found a new home, underwent some restoration and became a favorite attraction of visitors to the park. In the sixteen years that she was open to the public, it is estimated that 3 million people walked her decks.

In 1977, the ship was transferred to the United States Department of the Interior to become a part of the National Maritime Museum of San Francisco. Two years later, in 1979, it became obvious that major restoration was necessary below the ship's water line. The WAPAMA was removed from the Hyde Street Pier and placed on a preservation dry dock in Oakland where she remains today. The ship has been awaiting funding and repair work for more than 4 years and is now deteriorating at an even faster rate since her removal from the water.

In 1981, the Park Service acquired drydock AFDL-38 from the Navy to be used for repairs and routine maintenance of the historic fleet. The Park Service uses the drydock when necessary, but does not need it for significant periods of time each year. The Department of Interior estimates it can lease the drydock during the time it is not needed for park purposes and earn about $75,000 annually. As introduced, S. 530 would give the National Park Service the authority to do just that. The revenue generated will be used to support the museum and repairs to the sailing vessels.

Companion legislation, H.R. 1343, which has been passed by the House of Representatives, contains an additional provision to raise revenue by charging a reasonable admission fee to museum visitors. Mr. Chairman, I wholeheartedly support the concept of charging admission to the people who visit these historic ships and encourage the committee to amend S. 530 to include a similar provision. Such a user fee would provide additional funds -- without burdening the general taxpayer -- to operate the National Maritime Museum and expedite the expensive job of renovation and maintenance of the WAPAMA and other historic vessels.

In this era of $200 billion federal deficits, S. 530 and the proposed admissions fees offer an imaginative way to help save these historic ships for future generations to enjoy. It is important to note that the Department of Interior also recognizes the need for creative financing mechanisms and is not opposed to enactment of S. 530.

The restoration effort enjoys a broad base of public support, as evidenced by the more than 500,000 people who visited the ships in 1984 at the Hyde Street Pier and Fisherman's Wharf. Numerous groups and countless individuals have worked long and hard to insure the safety of these much-loved ships. Their commitment and dedication to this cause evinces a deep concern for their future.

This legislation is not intended to replace private efforts to restore these vessels but to compliment private activities. It is my hope that when the Park Service is given authority to raise additional revenue by the methods outlined, that the renewed commitment to restoration will enhance private funding efforts.

Enactment of S. 530 will provide the National Park Service with new tools to move forward in its efforts to renovate these seven ships and return them to the glory they once enjoyed. Mr. Chairman, for these reasons, I have sponsored S. 530 and hope that your committee will favorably report this legislation.

Thank you for your consideration.

Gary Hart

STATEMENT
SUBCOMMITTEE ON PUBLIC LANDS,
RESERVED WATER AND RESOURCE CONSERVATION
SEN. GARY HART
FEBRUARY 21, 1986

Mr. Chairman, as a co-sponsor of S. 1819, I appreciate your willingness to hold this hearing today, and to express my support for designating 75 miles of the Cache la Poudre River under the Wild and Scenic Rivers Act.

I am sure you will hear today about the virtues of this particular stretch of Colorado wildwater and about its value to the various groups represented here today. So I will not dwell on these virtues and values, except to say that the Poudre perfectly illustrates both the wonder and the utility of water along the Continental Divide.

As a Coloradan, I appreciate both the beauty of the river and the need for its water. And as a public official, I greatly appreciate the cooperation that has brought this bill to fruition in both the House and Senate. This, our first river mileage to be designated wild and scenic, represents more than just a stretch of water. It represents a reaching out, a joining of hands.

This Cache la Poudre bill has succeeded because people in our state who have disagreed about water before were able to agree about this designation now. And I know there are many who join me in the hope that the Poudre agreement will be a model for future agreements bringing these same interests together.

Mr. Chairman, Coloradans have long been concerned about water, its origins and flows and diversions. Our mountain watersheds spawn some of the great rivers of the American West, rivers that drain the mountainsides and enliven an entire region. But while we are water-rich, we can also be mighty thirsty. Our farms and mines, forests and factories, cities and towns all live and die on their access to water.

More recently, Coloradans have become equally concerned about preserving portions of our land -- and its water resources -- in the pristine state in which we can still find them. We do this for ourselves and our visitors. But most importantly, we do it for the future generations -- for those who otherwise might never know the exhilaration of the wild.

Like many other great interests and values, water use and preservation sometimes compete. We are still learning how to manage this competition, and some may have become discouraged by the pace of our education. But consider the case at hand.

Discussions of legislation to preserve the streamflows of the Poudre began nearly a score of years ago. A bill was passed a dozen years ago authorizing study of the Poudre and eleven other Colorado rivers by the U.S. Forest Service, which began assessing the preservation value in 1977.

Throughout the intervening years, the idea of barring dams on this river has been a classic of natural resource controversy. Water providers, deeply impressed with the power of this river, have been loathe to lose it as a resource for development. As recently as 18 months ago, there seemed little hope of reconciling the opposing points of view.

Yet today we have a bill. Thanks to the hard work of officials from the water district, local and state governments and the environmental community, we have a compromise. Thanks to the efforts of Congressman Hank Brown, who represents the district, and the cooperation of the full Colorado delegation, that compromise has been embodied in companion bills introduced in the House and Senate.

The compromise enjoys consensus support. One side gave up some potential dam sites, the other side accepted other potential dam sites. We are now prepared to designate 31 miles of the Poudre as wild river and 44 more as recreational river.

From Poudre Lake in Rocky Mountain National Park to the town of Poudre Park, the river would run free. Downstream from that point, the river would be open to water storage projects.

This is a first for our state, then, not just as a wild and scenic designation, but as an example of accommodation and far-sightedness. We have a long way to go. We have other rivers to contemplate, other conflicts to resolve. But this bill today proves we can do it. I look forward to many more such demonstrations in the future.

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STATEMENT OF THE HONORABLE HANK BROWN BEFORE THE SUBCOMMITTEE ON ENERGY AND NATURAL RESOURCES COMMITTEE ON PUBLIC LANDS, RESERVED WATER AND RESOURCE CONSERVATION

Mr. Chairman, I would like to express my special thanks to you and the Subcommittee for holding a hearing on S. 1819, which would designate segments of the Cache la Poudre River as the first wild and scenic river in Colorado. I appreciate the opportunity to testify before the committee in full support of this bill. I can assure the committee that your willingness to consider this measure also means a great deal to the citizens of northern Colorado.

Additionally, I would like to express my sincere appreciation to Senator Armstrong, who worked diligently to introduce this bill, and to those people kind enough to travel from Colorado today to testify before your committee.

As you may know, I have introduced H.R. 3547, an identical companion bill in the other body. The Interior and Insular Affairs Subcommittee on National Parks and Recreation held hearings on this measure October 31, 1985.

Beginning at the continental divide, the Poudre River flows east across the Colorado plains to join the South Platte River. Named by early French explorers who buried a cache of gunpowder along it banks, the Cache la Poudre canyon is the longest scenic river canyon on the entire eastern slope of the Rockies.

Your late Senate colleague, Peter Dominick, began the process of wild and scenic river designation in Colorado in 1973 when he introduced legislation on Colorado Day, August 1st, to ask that the Forest Service study the Poudre and parts of 13 other Colorado rivers for possible future designation. That bill became law, and in 1977 the Forest Service began its Poudre study. The President formally presented this recommendation to Congress in April 1985, urging the designation of 62 of the 83 miles the Forest Service studied on the Poudre.

As the Forest Service was completing its study in 1983, it became clear that opinion about the Poudre in northern Colorado was sharply divided and, in some cases, bitterly polarized. Some environmental groups advocated complete designation of the river which could restict future water development projects. Some water users, on the other hand, strongly opposed designation of even parts of the river, fearing any federal involvement might limit future water storage or inhibit proper water management on the river. In November of that year, I appointed a citizens advisory panel made up of the strongest advocates on each side of the Poudre issue.

At first, many of the panel members were reluctant to meet. Eventually, though, the bargaining process moved forward. By March of 1984, the water community and the environmentalists agreed on a bill. However, a few national environmental organizations objected to some provisions in the measure, and the bill did not come up in the other body for a subcommittee vote. Key members of the advisory panel were determined not to let their efforts go to waste. They continued to meet last year, trying to resolve their differences.

Through months of difficult negotiations, a compromise on all the issues involved was arrived on October 7, 1985. An important difference was that both local and national environmental groups were prepared to support the bill without amendment. Most importantly, the proposal enhances the long-term water and recreational needs of the entire region.

Starting at the river's source, Poudre Lake in Rocky Mountain National Park, S. 1819 would preserve the river through the town of Poudre Park. Thirty-one miles of the river would be designated as "wild" and forty-four miles as "recreational." The bill labels the first 18 miles of the river as the "Peter H. Dominick Wild River Area." The legislation makes clear that nothing in the act would affect existing water rights on the river or preclude future water development in the river segments that are not designated. As the committee reviews the bill, I think you will find the measure carefully balances the needs and concerns of the citizens of northern Colorado with those of the nation.

S. 1819 sets aside 75 miles of the river for designation under the Wild and Scenic Rivers Act. This represents more than the 62 miles the President recommended to Congress. The measure also exempts from designation two areas that have future water storage potential -- the Rockwell Ranch on the South Fork of the Cache la Poudre and an area below Poudre Park on the river's mainstem. The bill makes clear that water development will be permitted in undesignated portions of the river, as long as such projects do not destroy the values for which the other portions of the river were designated. Included in S. 1819 is a provision which would authorize a study of the Cache la Poudre corridor through the City of Fort Collins. The provision would authorize a three-year study of the corridor area to determine whether it is suitable for designation as a national recreation area, as well as an evaluation of the one hundred-year flood plain. The Fort Collins' area is significant because it is growing rapidly, but we still have an opportunity to preserve the environmental amenities along the river corridor for future generations.

The group that drafted this compromise included leading representatives of all points of view concerning the river. The major leaders included Maggie Fox, representing the Sierra Club, Barney White, representing other environmental interests, Larry Simpson, Secretary-Manager of the Northern Colorado Water Conservancy District, and Gregory Hobbs, counsel representing the Northern Colorado Water Conservancy District. Through intense negotiations, they have built a consensus in northern Colorado, as well as perfecting a valuable piece of legislation.

The bill before you today, in a real sense, does not represent a victory for any one special interest group but is a victory for all. The groups involved in the preparation of the bill have dedicated a great deal of their time and effort to prepare a balanced and thoughtful proposal for your consideration.

Mr. Chairman, the bill has the support of the local and national environmental groups, the Northern Colorado Water Conservancy District, the City of Fort Collins, the City of Greeley, the County Commissioners of Weld and Larimer Counties, and the entire Colorado delegation. I believe the leaders of northern Colorado have worked extremely hard and in good faith to bring to you a balanced proposal. It is my hope that the committee will reward their diligent efforts by taking the lead to expedite the passage of S. 1819. It is a compromise which would secure both water and recreation for Colorado's future.

For those of us who knew and loved Senator Peter H. Dominick, the designation of the wild portion of the river in his name has a special meaning. I can't help, but think he would be proud of the effort to reconcile the environmental and water needs of Colorado. The prospect of one of the most beautiful wild river areas in the world being named after him would, I believe, have delighted one who treasured Colorado's untamed beauty.

Thank you for your consideration of S. 1819.

Senator **Wallop**. Thank you, Arlen. I am sure that the people of your State appreciate your role and support for these things. I know of no particular problems. We will hear, of course, from the administration on these proposals and see what the committee does when it has the opportunity to work, as well.

I appreciate your coming down this morning to inform us of this.

Senator **Specter**. At a time when it's very hard to deal with steel and coal, we could deal with the Park Service and I think show the people of the area that here in Washington, DC, we are very much concerned about them and willing to do what we can.

Senator **Wallop**. Thank you very much.

Senator **Specter**. Thank you, sir.

Senator **Wallop**. What I am going to do is as soon as Senator Armstrong comes, I will ask Dale or Mr. Galvin to interrupt your testimony. We will just move on.

And so the next witnesses are Associate Chief Dale Robertson of the Forest Service and Deputy Director Denis Galvin of the National Park Service. Dale is here on S. 1819 and Denis is on the whole shooting match.

You can go ahead and proceed, Dale.

STATEMENT OF F. DALE ROBERTSON, ASSOCIATE CHIEF, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. **Robertson**. Thank you, Mr. Chairman. I am pleased to be here this morning to present the Department of Agriculture's views on the S. 1819, dealing with the Cache la Poudre River in Colorado. The Department of Agriculture recommends that S. 1819 be enacted if amended as indicated.

The Forest Service has completed a study of the Cache la Poudre River and the report was submitted to Congress in April 1985. The report covered 83 miles of the river above Fort Collins. None of the 18.5 miles within and adjacent to Fort Collins which is included in the bill for study was included in our study. The report recommended designation of 62 miles of the river.

The landscape is representative of the features commonly seen along the Colorado front range. And the combination of land form, vegetation, water, and other physical and natural features contribute to the attractiveness of the Poudre River.

Our recommendation in our report included 41 of the 62 miles of the main stem from the source at Poudre Lake to the Roosevelt National Forest boundary and the entire 21-mile length of the South Fork, with the exception of about 2 miles near the Rockwell Dam site.

Our recommendations in our report are very similar to the designation in S. 1819 except for one segment of the main stem. The study report recommended that a 15-mile segment from Rustic, CO, upstream to just below the tunnel rest area not be designated because about 50 percent of the land is in-State and private ownership.

We recommend that this segment be deleted from the designation in S. 1819. We also recommend that the Secretary of the Interior administer the segment of the Cache la Poudre River within Rocky Mountain National Park.

The special provisions of section 2 are apparently included to be more specific as to how the provisions of the Wild and Scenic Rivers Act are to apply to the Cache la Poudre River. The provisions related to compatibility with possible water resource development downstream from Poudre Park apparently is intended as a congressional finding of compatibility rather than a case-by-case administrative decision as called for in section 7 of the Wild and Scenic Rivers Act.

We have no objection to Congress doing this, but it is not clear as it is written in the bill, and we will be happy to discuss these provisions further with committee staff.

The study called for in S. 1819 would require the Forest Service to offer technical assistance and provide a grant of up to 75 percent of the study costs to the city of Fort Collins. The Secretary of Agriculture would also be responsible for transmitting the report to Congress. The purpose of the study is to determine possible suitability of the area as a national recreation area.

We believe that a study of this segment of the Cache la Poudre, for its recreation potential and value to the community is worthwhile. However, we believe that is a State or local responsibility rather than a Federal responsibility because it primarily affects private land fully within non-Federal jurisdictions.

The Department of Agriculture would be willing to cooperate and provide technical assistance through appropriate agencies, including the Forest Service to the State or the city of Fort Collins if either were to undertake such a study.

If section 3 is retained in the bill, it should be revised to delete the provision for Federal grant, leaving the primary responsibility for the study with State or local government.

Mr. Chairman, in conclusion, we support the designation of the Cache la Poudre as a wild and scenic river as described in S. 1819 with the exception of the 15-mile segment between the tunnel rest area and Rustic, CO. We do not want to discourage the efforts by Fort Collins or the State to undertake a study of the river through their community. However, we do not believe that Federal funding of such a study is appropriate, given the primary local benefits and other competing demands for Federal funds.

Mr. Chairman, this concludes my formal statement. I'd be happy to answer any questions.

[The prepared statement of Mr. Robertson follows:]

STATEMENT OF
F. DALE ROBERTSON, ASSOCIATE CHIEF
FOREST SERVICE
U.S. DEPARTMENT OF AGRICULTURE

Before the
Subcommittee on Public Lands, Reserved Water and Resource Conservation
of the Senate Committee on Energy and Natural Resources
United States Senate

On S. 1819, a bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Cache la Poudre River and the South Fork of the Cache la Poudre River in Colorado as a component of the national Wild and Scenic River System.

February 21, 1986

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

I am pleased to have the opportunity to present the Department of Agriculture's views on S. 1819, a bill to designate a portion of the Cache la Poudre River and the South Fork of the Cache la Poudre River as components of the National Wild and Scenic Rivers System and to provide for study of a segment of the Cache la Poudre River through the urban growth area in and near the city of Fort Collins, Colorado, for possible designation as a National Recreation Area.

The Department of Agriculture recommends that S. 1819 be enacted if amended as indicated.

S. 1819 would designate approximately 75 miles of the Cache la Poudre River within the Roosevelt National Forest as a National Wild and Scenic River as shown on the display map. This includes the entire main stem from its origin at Poudre Lake to Poudre Park and the entire South Fork except for approximately 2 miles at the potential Rockwell Dam site. Thirty-one miles would be classified as "wild" and 44 miles as "recreational." The bill would reemphasize provisions of the Wild and Scenic Rivers Act--stating that the river designation would not interfere with the exercise of existing decreed water rights that have been developed at the time of enactment and would specify that designation would not preclude downstream developments. S. 1819 in section 3 would provide for study of an 18.5-mile corridor along the Cache la Poudre River through the urban growth boundaries of the city of Fort Collins to the Weld-Larimer County line for possible designation as a National Recreation Area. The Department of Agriculture through the Chief of the Forest Service would be directed to provide grants for up to 75 percent of the cost of the study and technical assistance to the city of Fort Collins to carry out the study. The Secretary of Agriculture would be directed to transmit a comprehensive report containing the results of the study to Congress.

In April 1985, the Cache la Poudre River Study Report was transmitted to Congress. This report covered 83 miles of the river above Ft. Collins. None of the 18.5 miles within and adjacent to Ft. Collins was included in that study. The report recommended designation of 62 miles of the river. The landscape is representative of the features commonly seen along the Colorado Front Range. The combination of the landform, vegetation, water, and other physical and natural features contribute to the attractiveness of the Poudre River. Our recommendation included 41 of the 62 miles of the main stem from the source at Poudre Lake to the Roosevelt National Forest boundary and the entire 21-mile length of the South Fork with the exception of approximately 2 miles near the Rockwell Dam site. This recommendation is very similar to the designation in S. 1819 except for one segment of the main stem. The study report recommended that a 15-mile segment from Rustic, Colorado, upstream to just below the tunnel rest area not be designated because it is almost entirely in private ownership. We recommend that this segment be deleted from designation in S. 1819. We also recommend that the Secretary of the Interior administer the segment of the Cache la Poudre River within Rocky Mountain National Park.

The special provisions of Section 2 are apparently included to be more specific as to how the provisions of the Wild and Scenic Rivers Act are to apply to the Cache la Poudre River. The provision related to compatibility with possible water resources developments downstream from Poudre Park apparently is intended as a congressional finding of compatibility rather than a case-by-case administrative decision as called for in Section 7 of the Wild and Scenic Rivers Act. We have no objection to Congress doing this, but it is not clear as written in the bill . We will be happy to discuss these provisions further with the staff of your committee.

The study called for in S. 1819 would require the Forest Service to offer technical assistance and provide a grant of up to 75 percent of the study costs to the city of Fort Collins for a study through the city. The Secretary of Agriculture would also be responsible for transmission of the report to Congress. The purpose of the study is to determine possible suitability of the area as a National Recreation Area. We believe that study of this segment of the Cache la Poudre for its recreation potential and value to the community is worthwhile; however, we believe it is a State or local responsibility rather than a Federal responsibility because it primarily affects private lands wholly within non-Federal jurisdictions.

The Department of Agriculture would be willing to provide technical assistance through appropriate agencies, including the Forest Service, to the State or the City of Fort Collins if either were to undertake such a study.

If Section 3 is retained in the bill, it should be revised to delete the provision for Federal grants, leaving the primary responsibility for the study with State or local government.

In conclusion, we support the designation of the Cache la Poudre as a Wild and Scenic River as described in S. 1819 with the exception of the segment between the tunnel rest area and Rustic, Colorado. We do not want to discourage the effort by Fort Collins or the State to undertake a study of the river resource through their community; however, we do not believe that Federal funding of such a study is appropriate given the primary local benefits and other competing demands for Federal funds.

Mr. Chairman, this concludes my formal statement. I will be happy to answer any questions the committee might have.

Senator WALLOP. Dale, we have none at this moment. There may be some after we receive testimony from others to how they react on it.

I appreciate your coming. As far as I'm concerned, you are welcome to stay and listen, if you wish.

They are trying to confuse me at this point.

Again, if you wish to leave, we will be in touch with your Department on this and other things.

Denis, you can proceed.

STATEMENT OF DENIS P. GALVIN, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. GALVIN. Mr. Chairman, I have a prepared statement that I will submit for the record. I will start with the Cache la Poudre, which my colleague, Mr. Robertson, was discussing. We defer on the enactment of S. 1819 to our colleague organization, the Forest Service.

But we recommend that the bill be amended, as Mr. Robertson testified, to retain those portions of the river within Rocky Mountain National Park under the jurisdiction of the Secretary of the Interior.

Those segments are designated A and C in the study, and we recommend an amendment to recognize that they are within Rocky Mountain National Park and administered by the Secretary of the Interior.

Also, we recommend that the boundary and planning requirements mentioned in section 3(b) of the Wild and Scenic Rivers Act be satisfied in connection with the National Park Service general management planning process for the National Park.

With respect to S. 530 and H.R. 1343, the Golden Gate National Recreational Area, specifically drydock facilities, we have no objection to the enactment of S. 530, if amended to delete the provision limiting the period to 5 years for collecting fees at the *Balclutha,* which is one of the historic ships, and to add language to make the authority retroactive to November 10, 1983.

The House version, H.R. 1343, would authorize the collection of entrance fees to the five historic ships located at the Hyde Street pier and the receipts to be used for the maintenance of the historic fleet. We support that notion.

S. 530 would amend the act establishing Golden Gate National Recreation Area to include the floating drydock, or other vessels, or heavy marine equipment among the properties that may be managed by contract with other entities. If enacted, S. 530 would permit the National Park Service to contract with an appropriate entity which would rent the drydock to private shipping companies and use the proceeds of such rental to aid in the restoration and the maintenance of the historic ships at the recreation area.

This equipment was acquired from the Federal surplus property rolls, and we estimate that there would be a $75,000 income from the rental of that drydock. We recommend that the rental payments be used to offset appropriated funds.

We are committed to a study. If it is not economical and efficient, then we would seek to dispose of the drydock.

That concludes my testimony on the Golden Gate legislation. If there are no questions, I will go on to the Chesapeake & Ohio Canal legislation.

Senator WALLOP. Why don't you just go ahead. The questions we have are relatively minor.

Mr. GALVIN. S. 1766 would dedicate the Cumberland terminus—that is the western terminus—of the Chesapeake & Ohio Canal to J. Glenn Beall, Sr., in recognition of his outstanding efforts to preserve and protect the canal and towpath from development.

We have no objection to the passage of this bill. We recommend that we be authorized to develop a landscaped plaza rather than erect a memorial. The cost of that plaza is estimated not to exceed $25,000. This is in recognition of Mr. Beall's pivotal role in the creation of the Chesapeake & Ohio Canal National Historic Park. He filed the first bill to propose a national historical park for what later became the Chesapeake & Ohio National Historical Park.

Senator WALLOP. I have a statement from Senator Mathias on behalf of this legislation which I wish to have entered in the record at this moment.

[The prepared statement of Senator Mathias follows:]

SENATOR CHARLES McC. MATHIAS, JR.

TESTIMONY ON BEHALF OF S. 1766

HEARINGS BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER AND RESOURCE CONSERVATION

FEBRUARY 21, 1986

I am pleased to have the opportunity to testify before the Senate Energy and Natural Resources Subcommittee on Public Lands, Reserved water and Resource Conservation on behalf of S. 1766, a bill that would dedicate the Cumberland terminus of the C&O Canal Historic Park to Senator J. Glenn Beall Sr. This bill is in recognition of his efforts to protect and preserve the canal and towpath, that are the principal features of this magnificent park.

I would like to commend the Subcommittee for holding hearings on this measure. I have worked closely with the Subcommittee and its staff on a number of similar pieces of legislation in the past and I have always been impressed with your thorough, professional and conscientious approach to the matters before you. I look forward to working with you as this legislation moves through the legislative process.

The fact that almost one-fifth of the Senate has joined with me in sponsoring this bill is testimony to the excellent reputation of Senator Glenn Beall, Sr. I find the support among my colleagues encouraging but certainly not surprising, given the important contributions the late Senator made towards preserving this vital national resource.

Moreover, as Carrie Johnson, Chairman of the C&O Canal Advisory Commission, will describe in detail to the Subcommittee today, the Commission has enthusiastically endorsed the legislation and has pledged to work with the National Park Service and local officials to develop the terminus in an appropriate manner. Since its inception this citizens commission has effectively carried out its duties and responsibilities in the development and maintenance of the Park and I am confident that its contributions will add an important dimension to the project. And I appreciate the interest and support of the National Park Service, whose cooperation is vital if we are going to succeed.

Senator Beall's career in Congress spanned 22 years, including ten years in the House representing western Maryland and twelve years in the Senate. During that time, he gained the respect and admiration of millions of Marylanders for his service to the State. He had a distinguished career marked by a myriad of accomplishments. One project that was particularly dear to his heart and that occupies a prominent place in his record of service was his efforts to create the C&O Canal National Historic Park.

The 184-mile C&O Canal built between 1828 and 1850, parallels the Potomac River from Washington to Cumberland, Maryland. At the groundbreaking for the Canal in Georgetown,on July 4, 1828, an occasion of great pomp and ceremony, President John Quincy Adams declared:

The project contemplates a conquest over physical nature, such as has never yet been achieved by man. The wonders of the ancient world, the Pyramids of Egypt, the Collossus of Rhodes, the Temples of Ephesus, the Mausoleum of Artemis, the Wall of China, sink into insignificance before it--insignificance in the mass and momentum of human labor required for the execution--insignificance in the comparison of the purposes to be accomplished by the work when executed.

While Adams' eloquent remarks may have seemed somewhat overstated at the time, it is difficult to exaggerate the significance of the Canal.

However, for more than three decades in this century, from the end of commercial operations in 1924 until the mid-50's, it lay neglected, except for such preservation as the valley residents who have been staunch friends and caretakers were able to provide.

By the early 50's, government officials had so little regard for the importance of the canal that they proposed to convert it into a highway. But Justice William O. Douglas and other persons with environmental interests launched a campaign to prevent that from happening. Justice Douglas led an 8 day-hike along the canal to bring to public attention its values and the need to preserve it That hike quickly became part of the lore of the canal. More importantly, it achieved its purpose.

J. Glenn Beall, Sr. a man of action, with customary foresight and wisdom, seized the initiative. In 1956, he introduced the first piece of legislation recognizing the historic importance of the canal and creating a vehicle for its preservation and restoration. Many other similar bills were introduced in the House and the Senate by myself and others over the next sixteen years. Finally, Congress passed the legislation in 1971, a year after Senator Beall's death.

It took the concentrated and collective and efforts of many citizens, legislators and government officials to make the C&O Canal National Historic Park a reality. But the first legislative initiative clearly came from Senator Beall in 1956. His initial bill laid the groundwork for the legislation ultimately enacted into Law.

A fitting way to honor Senator Beall for his contribution to this effort would be to develop the Cumberland terminus of the C&O Canal as an an interpretive park that would relate the area's rich history, recognize Senator Beall's leadership, and enhance both his home county of Allegany and the national park he championed.

Between 1850, when the full 185-mile waterway was finally opened, and its shutdown in 1924, Cumberland,the seat of Allegany County, was the center of a boat-building industry and the port where the canal's principal cargo --western Maryland coal-- was collected and loaded for the trip downriver. The area was a commercial crossroads where the trade routes of the upper Potomac Valley intersected with the National Road and the railroads, which unlike the Canal, actually spanned the mountains to the Ohio valley and the west.

The Beall family has been in western Maryland since 1783 when Thomas Beall moved to a farm on Evitts Creek near Cumberland. The family's leadership in Maryland's business and civic affairs is an integral part of the region's history. Senator Beall's efforts to preserve the canal testified to his own appreciation of western Maryland's heritage and its continuing national significance.

The Cumberland terminus is an ideal place to honor Senator Beall's great contributions to the development of the C&O Canal National Historic Park. It is prominently located in the heart of Cumberland, where river, rail and road corridors still intersect. However, since most of the physical remains of the canal were buried and the area's appearance greatly changed by construction of a flood control project in the 1950's. Visitors must rely largely on exhibits, brochures, and their own imaginations to grasp how the terminus looked and bustled a century ago.

Congressional designation of the terminus as a memorial to Sen. Beall would provide the impetus for developing the site as an open, inviting interpretive park with low-key permanent exhibits, landscaping and walkways, mini-plazas and benches to draw people to the river and the canal lock area. Durable displays, like those elsewhere along the canal, could be used to depict the 19th century scene, describe the canal's history and significance and highlight Senator Beall's role in creating the Park. Special brochures and other materials in the nearby visitor center could complement the outdoor exhibits.

In accord with the park's successful tradition of open planning, detailed plans for enhancing the terminus would be developed by the National Park Service in consultation with the community, other interested groups and the park's Advisory Commission. This process could also spur cooperative efforts to improve parking and vehicular access to the terminus. Although no cost estimates have been developed, the kind of park envisioned would not involve large outlays and might well be accomplished within available funds.

Mr. Chairman,Senator Beall was a distinguished member of this body and an outstanding representative of the State of Maryland and its citizens. The bill before you today pays tribute to him in a manner entirely consistent with his own record of service and the public interest of the people of Maryland and of the Nation to whom the C&O Canal National Historic Park is forever dedicated.

I urge the Subcommittee to act on this measure as expeditiously as possible.

Mr. **Galvin**. H.R. 934, is a piece of legislation related to erosion control within Cuyahoga Valley National Recreation Area. We recommend against enactment of H.R. 934. The bill authorizes and directs the Secretary of the Interior to enter into a cooperative arrangement with the Secretary of Agriculture to substantially eliminate soil erosion on both publicly and privately owned lands within the boundaries of Cuyahoga Valley National Recreation Area, Ohio.

The problem that this legislation attempts to solve is the heavy sediment that is deposited in the Cleveland Harbor each year. The Corps of Engineers has to spend $4 million annually to remove the shoals created by the sediment deposited by the Cuyahoga River.

Our question is what portion of the problem is attributable to soil erosion from sites within the recreation area; and whether existing authority is sufficient to reduce this erosion. We have worked with the Corps of Engineers on a study, and we believe that existing authorities are sufficient to mitigate those erosion problems that result from soil deposition that originates in Cuyahoga Valley National Recreation Area.

The study identified 34 sites, encompassing about 625 acres of land.

We have had appropriated in the last 3 years, $1.1 million to assist in the solution of this problem. With that money, seven sites have been reclaimed; one site has been worked on; three sites are being prepared for construction and one site has been planned. There are nine parcels of land within the recreation area that are in private ownership that result in some erosion problems.

We would propose to enter into an interagency agreement with the Department of Agriculture to work with private landowners.

We believe that we have existing authorities that are sufficient to deal with this erosion problem.

The next bill, H.R. 1390, provides for long-term leases at the El Portal administrative site immediately to the west of Yosemite National Park, California.

We recommend the enactment of this measure. Its principal features are to increase the term for which leases may be issued from 55 to 99 years; to broaden the class of lessees to include Federal employees and employees of public or private corporations, to expand the class of sublessees; and to permit the proceeds to be used for the El Portal administrative site. It requires implementing regulations and two progress reports to the legislative committees of the Congress.

This legislation would permit us to enter into leases with private concerns to assist us in developing the El Portal administrative site, which will enable us to move facilities from Yosemite Valley. The facilities that would be removed are principally administrative housing offices and maintenance structures.

Yosemite Valley, as you know, Mr. Chairman, is a relatively confined space and yet during the summer months, 1,500 staff members and their families must live in Yosemite Valley in conflict with the public, because there are no alternatives.

This bill would allow us to explore with private concerns opportunities to further develop El Portal to relieve that situation.

We have already begun to move in this direction. The Yosemite Park and Curry Company is moving its warehousing and reservation functions to a new, modern facility in Fresno and the El Portal site does have the potential to expand.

So we strongly endorse this legislation. With the expanded lease authority we believe that it would enable us to attract significant private investment interests. The expected income from the community is about $800,000 per year.

One feature of the bill that we oppose is the off-budget earmarking of the bill. We believe the most efficient process is to remit the lease proceeds to the Treasury. This long-term leasing provision will enable private development to be properly borne by the lessees, and any public funding needs such as funding for some of those construction aids associated with El Portal will be borne through the regular appropriation process. And we have a list of amendments that we have submitted in this statement that we believe are appropriate.

On H.R. 1963, Allegheny Portage Railroad and Johnstown Flood, we oppose the enactment of the bill, which has two basic provisions: It would increase the development ceiling at the national historic site and provide for the preservation and interpretation of the Johnstown Flood Museum.

Section 1 of the bill would increase the development ceiling by $9.8 million and section 2 would allow the Secretary of the Interior to enter into an agreement with the Johnstown Flood Museum Association. That agreement would provide for not more than 50 percent of the cost of financial assistance to mark, restore, interpret, operate, and maintain the museum.

The general management plan for the park was completed in July 1980. These plans, which are approved by the National Park Service regional director, guide the development of the park.

Section 1 would increase the existing development ceiling to implement the general management plan. Notwithstanding that fact, the current joint development ceiling for these units is $6.1 million and to date we have spent only $1.7 million.

Therefore, we do not believe that this legislation is timely, since we have within the existing development ceiling an authorization of funds that has not yet been used through the appropriations process.

In fiscal year 1987, the administration significantly reduced funding for technical assistance, and we feel that funding for such organizations should come from private sources.

H.R. 105, I believe, is the last piece of legislation; that is the addition of Washington Square to the boundaries of Independence National Historical Park. We recommend against enactment of H.R. 105 for two reasons: First it has not been determined to be nationally significant. And this was confirmed by the National Park System Advisory Board in April 1984.

Second, H.R. 105 does not authorize the National Park Service to assume a management role for this property, but we are concerned that the bill would provide the first step toward future Federal funding. And so we oppose H.R. 105.

I believe that concludes my testimony this morning, Mr. Chairman.

[The prepared statement of Mr. Galvin follows:]

STATEMENT OF DENIS P. GALVIN, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND RESOURCE CONSERVATION, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING VARIOUS LEGISLATIVE PROPOSALS.

FEBRUARY 21, 1986

Mr. Chairman, I appreciate the opportunity to be here today to discuss various legislative proposals.

S. 530 and H.R. 1343 - Golden Gate National Recreation Area - Drydock Facilities

We have no objection to the enactment of S. 530, if amended to delete the provision limiting the period to five years for collecting fees at the Balclutha and to add language to make the authority retroactive to November 10, 1983.

S. 530 would authorize the use of funds from the rental of the floating drydock, AFDL-38, or other vessels or heavy marine equipment to support the National Maritime Museum in San Francisco, California. In addition to the authority contained in S. 530, the House-passed version of H.R. 1343, which is also before this committee, would authorize the collection of entrance fees to the five historic ships located at the Hyde Street Pier, the receipts of which are to be used for maintenance of the historic fleet. It would also make the authority retroactive to November 10, 1983. Technically, the authority to collect fees at Balclutha expired; however, because of an incorrect interpretation of the law, fee collection continued. The retroactive authority would clarify the authority of the Maritime Museum Association on behalf of the Secretary to retain fees collected since November 10, 1983.

S. 530 would amend the Act establishing the Golden Gate National Recreation Area by including the AFDL-38 drydock or other vessels or heavy marine equipment among the properties that may be managed by contract with other entities. Such management may include the rental or lease of the property. If enacted, S. 530 would permit the National Park Service to contract with an appropriate entity, such as the Maritime Museum Association, whereby the Association would rent the AFDL-38 drydock to private shipping companies and use the proceeds of such rental to aid in the restoration and maintenance of the historic ships at the National Recreation Area.

The Maritime Museum and historic ships were included in the original legislation establishing the Golden Gate National Recreation Area, signed into law in 1972 (P.L. 92-589). The San Francisco State Historic Park vessels were donated in 1977. The City and the Maritime Museum Association jointly operated the San Francisco Maritime Museum and donated their respective interests to the National Park Service in 1978. These maritime resources were then consolidated under the National Park Service. In 1978 Congress designated them as the National Maritime Museum, San Francisco.

The seven major historic vessels located at the Hyde Street Pier, several requiring major reconstruction, comprise the largest fleet of historic ships in the world. Visitation to the Balclutha was about 188,000 in 1985, and visitation to the Hyde Street Pier and the vessels moored there was in excess of 566,000 in 1985.

The floating drydock, AFDL-38, and other heavy equipment were acquired from the Federal Surplus Property rolls to provide immediate support for the rehabilitation and maintenance of the historic fleet. It is currently estimated that it will cost $37.9 million over 7 years to restore the historic fleet. The actual funding of the restoration of the historic vessels will be sought through a combination of private donations and funds appropriated through our normal budget process. The rental payments would be used to offset appropriated funds.

Because the historic ships require drydocking every three to five years and since drydock facilities in the San Francisco Bay Area are at a premium, the time not needed for drydocking the historic vessels could be leased by an appropriate entity, such as the Maritime Museum Association, on a predictable basis. The commerical value of this down-time is considered extremely valuable to a number of marine-related industries. While no market analysis has been done to establish a fair market value for leasing the drydock, it is conservatively estimated that the leasing of the AFDL-38 to commercial firms during periods of nonuse by the National Park Service would result in a minimum of approximately $75,000 in receipts annually. We would anticipate that any lease agreement would require the lessee to provide maintenance and improvements to keep the drydock in good operating condition and, thus, relieve the National Park Service of this financial responsibility. Further, we are committed to a study to determine whether or not the continued operation of this drydock is the most economical and efficient way of providing drydock facilities for these historic ships, as well as the effect of our operation on drydock facilities in the Bay Area. If it is not economical and efficient, we would seek to dispose of the drydock. We will complete our study within six months of enactment of this legislation.

S. 1766--Chesapeake and Ohio Canal National Historical Park, Memorial to J. Glenn Beall, Sr.

S. 1766 would dedicate the Cumberland terminus of the Chesapeake and Ohio Canal National Historical Park to J. Glenn Beall, Senior, in grateful recognition of his outstanding efforts to preserve and protect the canal and towpath from development. The bill directs the Secretary of the Interior to inform the public of Mr. Beall's contributions and to cause to be erected and maintained, within the Cumberland terminus of the park, an appropriate memorial to J. Glenn Beall, Senior.

J. Glenn Beall, Senior, was a Member of the House of Representatives from Maryland from 1943 to 1953 and a United States Senator from Maryland from 1953 to 1965. He died in Frostburg, Maryland, on January 14, 1971, and is buried in Frostburg Memorial Park cemetery.

While a Representative, Mr. Beall introduced H.R. 5155 on January 27, 1948, a bill "To authorize the Secretary of the Interior to have made by the Public Roads Administration and the National Park Service a joint reconnaissance survey of the Chesapeake and Ohio Canal between Great Falls, Md., and Cumberland, Md., and to report to the Congress upon the advisability and practicability of constructing thereon a parkway, and for other purposes." This bill authorized $40,000 for the parkway study. It was enacted into law on June 10, 1948, as Public Law 618, 80th Congress.
As a Senator, Mr. Beall introduced S. 4189 on July 9, 1956, a bill "To establish the Chesapeake and Ohio Canal National Historical Park and to provide for the administration and maintenance of a parkway in the State of Maryland, and for other purposes." This bill was the first legislation to propose a national historical park as well as a connecting parkway from Paw Paw to Woodmont, Maryland. This bill was not acted upon in the 84th Congress, but Senator Beall introduced a similar bill, S. 77, in the 85th Congress, which passed the Senate on August 29, 1957. Although he introduced similar legislation in the 86th Congress, no action was taken on it. The 86th Congress ended on

January 3, 1961. On January 18, 1961, President Eisenhower established the Federal lands comprising the canal as the Chesapeake and Ohio Canal National Monument by Proclamation number 3391 under authority of the 1906 Antiquities Act. Ten years later, legislation was enacted in the 91st Congress to establish the property as the Chesapeake and Ohio Canal National Historical Park on January 8, 1971.

We have no objection to the enactment of S. 1766, provided that it is clear that such a memorial may take the form of a landscaped plaza dedicated to Beall rather than a large physical structure. We believe an area of landscaping, with benches and interpretive markers, would be an appropriate way to commemorate Senator Beall. We estimate that such a development would not cost more than $25,000. The direction in the bill to inform the public of Beall's contributions is not expected to increase existing costs.

S. 1819--Cache la Poudre River, Colorado.

S. 1819 would designate several segments of the Cache la Poudre River in Colorado as components of the National Wild and Scenic Rivers System; it would also direct the Secretary of Agriculture to provide grants and technical assistance to the City of Fort Collins to carry out a 3-year study of a potential national recreation area on an 18.5-mile segment of the Cache la Poudre River within Fort Collins.

This river was studied for potential designation by the U.S. Forest Service, Department of Agriculture. We therefore defer to that agency as to the designation of river segments outside of areas which we administer. However, we strongly recommend that the bill be amended to retain those portions of the river within Rocky Mountain National Park under the jurisdiction of the Secretary of the Interior.

The bill provides that all designated segments shall be administered by the Secretary of Agriculture. Segments (A) and (C) contain river mileage within Rocky Mountain National Park: Segment (A) includes 9.7 miles of the river which is totally within the park, and 1 mile of this segment constitutes the common boundary between the park and the national forest. Segment (C) includes 4 miles of river within the park. We recommend that the first section of the bill be amended to indicate that portions of the river now within the park will continue to be administered by the Secretary of the Interior. This will avoid overlapping responsibilities and maintain current efficiencies and effectiveness of NPS management. We further recommend that, for those segments designated within the park, the boundary and planning requirements of section 3(b) of the Wild and Scenic Rivers Act be satisfied in connection with the general management planning process for the national park, as was done by Congress did in the Alaska National Interest Lands Conservation Act.

H.R. 105 - Washington Square Addition to the Boundaries of Independence NHP

We recommend against enactment of H.R. 105.

H.R. 105 would provide for the inclusion of the Washington Square area within the boundaries of Independence National Historical Park in Philadelphia, Pennsylvania.

H.R. 105 is identical to H.R. 2768, a bill that was passed by the House last Congress. Specifically, H.R. 105, if enacted, would amend the Act of June 28, 1948, which authorized the establishment of Independence National Historical Park in Philadelphia, Pennsylvania, by including within the boundaries the area known as "Washington Square." The bill would also authorize the Secretary of the Interior to enter into a cooperative agreement with the City of Philadelphia to provide technical assistance in the preservation and interpretation of Washington Square. That agreement would also include provisions to ensure that the Secretary, through the National Park Service, shall have the right of access at all reasonable times to all public portions of the property for the purpose of interpretation.

In testimony before the Public Lands and National Parks Subcommittee on September 20, 1983, we opposed a similar measure for two reasons. First, Washington Square had not been determined to be nationally significant and, second, the bill authorized the Secretary to restore, operate, and maintain the area. We estimated the cost at approximately $2,243,725 to bring the area up to National Park Service standards and an ongoing commitment of about $147,000 per year to operate and maintain the area as an addition to Independence National Historical Park. As amended and passed by the House in the last Congress, the authority to restore, operate, and maintain the property was deleted. Also deleted was the direction that the Secretary appoint a commission to recommend to Congress an appropriate monument or memorial to honor the unknown dead of the America Revolution.

Although H.R. 105 would provide a lesser degree of involvement in the area's preservation and maintenance than originally envisioned, we still cannot support this bill because of the lack of national significance associated with Washington Square. Based on a technical review by the National Park System Advisory Board in April 1984, our determination that Washington Square is not nationally significant was confirmed by the Board because it lacks historic integrity. We believe, therefore, that it would be inappropriate to include this Square within the park.

Moreoever, while H.R. 105 does not authorize the National Park Service to assume a management role for this property, we are concerned that inclusion of Washington Square within the boundaries of the National Historical Park could be the first step toward Federal funding in the future. As I noted above, we estimate that it would take about $2.3 million to rehabilitate and approximately $161,300 per year (1985 dollars) to operate and maintain it. A Federal role would be unwarranted since the property is not of national significance and ownership would remain with the City. For these reasons we recommend against enactment of H.R. 105.

H.R. 934 - Cuyahoga Valley National Recreation Area - Erosion Control

We recommend against enactment of H.R. 934.

H.R. 934 is identical to a measure passed by the House during the last Congress, H.R. 3739. This bill authorizes and directs the Secretary of the Interior to enter into cooperative arrangements with the Secretary of Agriculture, the State of Ohio, and effected local governments to substantially eliminate soil erosion on both publicly and privately owned lands within the boundaries of Cuyahoga Valley National Recreation Area, Ohio. The bill requires that any work done on privately owned land must be done with the consent of the owner, and it further directs the Secretary of the Interior to correct areas of ecological degradation which create hazards to health and safety. Finally, H.R. 934 authorizes $4.75 million through fiscal 1989 to accomplish the purposes of this legislation.

The problem that this legislation attempts to solve is the heavy sediment that is deposited in the Cleveland Harbor each year. This requires the Corps of Engineers to spend $4 million annually to remove the shoals created by the sediment.

In evaluating this proposed legislation, we have reviewed the questions "What portion of the problem is attributable to soil erosion from sites within the recreation area boundaries?" and "Is existing authority sufficient to reduce erosion on those sites within the boundaries of the National Recreation Area?"

With regard to our first question, as we testified before the House last Congress, we were concerned with the conclusions of the Corps of Engineers' study. Therefore, the National Park Service requested that a multidisciplinary review team be assembled to evaluate existing reports, to visit the National Recreation Area, and to prepare a report to be transmitted through the U.S. Forest Service to the National Park Service. The evaluation has been prepared, and we have shared the results of that report with the local representatives of the Corps of Engineers.

With regard to the second question, the National Recreation Area staff has already taken steps to reclaim obviously eroding sites within the boundaries. To date, the Recreation Area staff has identified 34 sites encompassing about 625 acres of land, both publicly and privately owned, that need extensive reclamation work.

With about $1.1 million having been added to the FY 1983, FY 1985, and FY 1986 appropriations, the following work has been accomplished:

*7 sites have been reclaimed;

*1 site is being worked on;

*3 sites are being prepared for construction contracting; and

*1 site has been planned.

There are currently 9 parcels of land within the Recreation Area that are in non-Federal ownership and have erosion problems. Pursuant to the Recreation Area's Land Protection Plan, which was approved on October 22, 1984, only 3 of the 9 sites have been identified for acquisition. The 6 sites to remain in private or non-Federal public ownership will have to be reclaimed through another mechanism. Therefore, what we propose to do is use existing authority to enter into an interagency agreement with the Department of Agriculture to work with private landowners to reclaim the eroding sites.

Another element of H.R. 934 applies to the many uncapped oil and gas wells throughout the Recreation Area. Specifically, the bill states that the Secretary shall "correct areas of ecological degradation which create hazards to health and safety." State regulations require that these open wells be capped. In fact, as a result of an add-on to the FY 1985 appropriations in the amount of $198,000, the Recreation Area staff has contracted to have twelve of these wells brought into compliance.

Therefore, the National Park Service is already addressing, under existing authorities, erosion within the boundaries of the Recreation Area. We believe reclamation of those sites within the Recreation Area will aid in relieving the Cleveland Harbor problem. We will work on those problems that are and can be attributable to processes that do not occur naturally within the Recreation Area; however, there are problems within the watershed outside of the National Recreation Area which this legislation will not address.

H.R. 1390--Long-term leases at El Portal administrative site, Yosemite National Park, California.

We recommend the enactment of H.R. 1390, amended as set forth in this statement.

As passed by the House of Representatives on July 15, 1985, H.R. 1390 (1) increases the terms for which leases may be issued from 55 to 99 years at the El Portal administrative site adjacent to Yosemite National Park, (2) broadens the class of lessees to include Federal employees and employees of public or private corporations, (3) expands the class of subleasees from concessioner employees to any individuals supporting the park or the administrative site, (4) permits the proceeds from leases to be used for the El Portal administrative site, including acquisition of unexpired leases and subleases, and (5) requires implementing regulations and two progress reports to the legislative committees of Congress.

Yosemite National Park and its centerpiece, Yosemite Valley, are priceless assets for the nation. More than 2 million visitors stay overnight at the park in 1,730 concession accomodations and 2,000 campsites. Yosemite ranks first among all National Parks for overnight visitation and concessioner revenues.

To meet the needs of park visitors, development within Yosemite Valley progressively increased over the decades. Within Yosemite Valley itself, an area of seven miles in length and less than one-mile wide, more than 1,300 buildings and miscellaneous structures exist today. During summer months 1,510 staff members and their families live in Yosemite Valley (NPS 210, concessioners 1,240, others 60).

The General Management Plan for Yosemite National Park approved in November 1980, strongly endorsed the concept that non-essential functions and homes for many NPS and concession staff members should be relocated outside the park in order to preserve natural beauty, reduce congestion, and improve visitor experiences. Non-essential functions are defined as warehousing, vehicle maintenance, budget control and general administration, and similar management activities which are not directly related to providing day-to-day visitor services.

More than 180 substandard structures also will be removed from the valley. This decrease, combined with limitation on further expansion of concession facilities and campgrounds, will markedly reduce congestion within Yosemite Valley. This strategy, in concert with a parallel effort to provide better traffic control, holds great promise for solving the problems of crowding and overuse which have plagued Yosemite Valley since the 1940'S.

Steps toward implementation of this strategy already have been taken. The Yosemite Park and Curry company, the chief concessioner, is in the process of moving its warehousing and reservation functions to a new modern facility in Fresno. More than 40 concession staff members will reestablish their homes in the Fresno area.

Even more promising is the potential to expand the community of El Portal, a 1,200-acre site immediately adjacent to the park that was specifically set aside by Congress in 1958 "in order that utilities, facilities and services required in the operation and administrations of Yosemite National Park could be located on such site outside the park." (16 U.S.C. 47-1).

Over succeeding years, the government has made a $15 million investment in El Portal in the form of road and water systems, an ultra-modern sewage treatment plant, and housing. Today, El Portal supports 203 housing units for park staff members, but its full potential as an administrative site has yet to be achieved. Many staff housing units in Yosemite National Park and at El Portal are substandard. Part-time employees in the park must live in "tent cabins" that do not meet migrant labor camp standards for the State of California. These 12' x 27' tents offer a cold water tap, a small wood stove, exposed wiring, and a refrigerator. Community bathrooms and showers are not centrally located. Presently, 618 National Park Service and concession employees live in "tent cabins", some for periods of nine months. Ninety privately owned homes in El Portal do not meet State of California building codes. These homes exist on special use permits granted by the National Park Service which, in theory, can be cancelled with 30 days notice. Due to the tenuous nature of the special use permits, bank financing is not available to bring these homes up to code.

The special promise of H.R. 1390 is that it will allow for a viable government-private sector partnership through land leases. The concept of the leases at El Portal is not new.

Leases were authorized in the initial 1958 legislation and reconfirmed by legislation in 1968 (16 U.S.C. 47-2). The current bill would bring lease terms into line with the standards of the banking industry by allowing leases to be written for terms of up to 99 years.

The purpose of this lease authority is to allow the Secretary of the Interior to encourage substantial private investment in El Portal, especially in housing and commercial facilities. The concept is that long-term leases will be made available only to individuals and organizations who qualify based on distinct and direct association with the park. Residential leases may be granted to individuals employed by the concessioners, National Park Service, medical and educational services, and similar park-related services in order to allow them to obtain bank financing and build their own homes. Commercial leases may be granted to profit and non-profit corporations to build homes, offices, maintenance and commercial facilities. All leases would be subject to regulations, reviewed in advance by the legislative committees, that would assure the development of El Portal as it was intended when acquired in 1958, to serve as the major administrative community for Yosemite National Park.

The legislation would further provide that funds acquired through lease payments be earmarked for management of the El Portal community.

These funds, if El Portal is expanded from a community of 500 to 1500 over the next decade, are estimated to be about $800,000 per year. (481 homes @ $1200/year each = $577,200, commercial leases = $230,000).

We oppose this off-budget earmarking feature of the bill. We estimate that lease income will considerably exceed the costs of managing the community. We believe the most efficient process is to remit the lease proceeds to the treasury, and to obtain funds for management of this community through the annual appropriations process, along with funds to manage all other National Park Service properties and facilities.

While we believe private development costs should properly be borne by the lessees, it may be necessary for the National Park

Service to seek funding for some of those construction needs through the regular appropriations process.

We believe that, given the broader terms of leases that would be authorized under H.R. 1390, the purpose of the 1958 act which designated the administrative site at El Portal will be fulfilled before Yosemite celebrates its centennial in 1990. And far more appropriately, a significant step will have been taken to perpetuate the incomparable beauty of Yosemite Valley.
Accordingly, we recommend the enactment of H.R. 1390, with the following amendments:

1. On page 3, delete the first sentence of section 2(a); in line 21, change the comma to a period and delete the remainder of the sentence; and on page 4 lines 1 and 2, strike out the words "with funds available from the proceeds of leases, or."
   The bill would permit the use of lease proceeds for the cost of construction and maintenance of the facility infrastructure outside the normal appropriations process. We oppose the earmarking of these receipts, and we believe these costs should properly be borne by the lessee or the private developer.

2. Beginning on page 4, line 20, through page 5, line 11, strike out section 5. This section requires an initial report on the El Portal administrative site to the Congressional Committees, and a progress report three years thereafter. We believe these additional formal reporting requirements are unnecessary. We will be happy to provide information to the Committees when requested to do so, but in the absence of a request from the committee or an interested member, an automatic statutory report is not needed.

3. On page 5, lines 16-18, strike out the words "or to the extent that proceeds are available from any leases issued by the Secretary pursuant to the first section of this act."
The reason for this amendment is the same as that for our amendment numbered 1.

H.R. 1963 - Allegheny Portage Railroad N.H.S. and Johnstown Flood N.M. Development Ceiling Increase

We oppose the enactment of H.R. 1963.

H.R. 1963 would increase the development ceiling at Allegheny Portage Railroad National Historic Site and Johnstown Flood National Memorial and provide for the preservation and interpretation of the Johnstown Flood Museum in the Cambria County Library Building, Pennsylvania.

Section 1 of H.R. 1963 would increase the development ceiling by $9.8 million for Allegheny Portage Railroad National Historic Site and Johnstown Flood National Memorial. Section 2 would authorize the Secretary of the Interior to enter into an agreement with the Johnstown Flood Museum Association for the purpose of providing technical assistance for interpretation, operation, and maintenance of the Museum. Further, if funds are specifically appropriated for such purposes, the Secretary through the agreement is authorized to provide not more than 50 percent of the cost of financial assistance to mark, restore, interpret, operate, and maintain the Museum. Finally, the Secretary is authorized to accept the donation of the building and collection owned by the Johnstown Flood Museum Association.

At this point I would like to explain some of the history of both units. Allegheny Portage Railroad National Historic Site was authorized as a unit of the National Park System on August 31, 1964, to interpret the story of the Pennsylvania Mainline Transportation System and its components of canals and railroads. The railroad and canal system was designed and built by the Commonwealth to provide for the efficient movement of goods and people between Philadelphia and Pittsburgh, a distance of some 394 miles. However, one of the greatest obstacles of this project was the mountain barrier running diagonally across the State, a steep and formidable obstacle even for wagons. When put to the best engineers of the day, a system of 11 levels and 10 inclined planes driven by stationary engines -- five on each side of the mountain -- was developed. The remarkable engineering feat of overcoming an elevation of 1,400 feet was eventually built. However, despite its spectacular success as a transportation system, the Allegheny Portage Railroad was troubled with constant maintenance problems because of the difficulties of keeping the rails in line during hard winters, flooding in spring, and technical problems involved with the stationary engines. By 1853, the Commonwealth of Pennsylvania finally accepted the inevitable and appropriated funds for a new route to bypass the inclined planes. The new Portage Railroad was completed in 1855, and parts of it are still used today by Conrail.

When the canal and railroad system was abandoned in 1857, the State sold various parts of the system including the South Fork Reservoir 15 miles east of Johnstown, Pennsylvania. In 1879 Benjamin Ruff, a businessman from Pittsburgh, purchased the old dam and created a private sporting club for the elite among the steel magnates of Pittsburgh. As the sporting club flourished, the population of Johnstown also flourished to meet the labor needs of the mines and mills of the Cambria Iron Company. However, on May 31, 1889, the South Form Dam broke after a heavy rain, causing the Country's first catastrophe that attracted national attention since the Civil War -- the Johnstown Flood. The colossal wall of water swept everything in its path to destruction, including some 2,200 people, reduced Johnstown to shambles and brought the threats of typhoid, starvation, and overexposure to all survivors. In the true spirit of America, organizations, individuals, and quickly organized groups from all across the country met the challenge of helping the victims of this tragedy. The country was united behind a cause for humanity, and everyone felt a spark of national pride during a period when there was still suffering from the bitterness of Reconstruction. It is to this great spirit of America and the tragedy behind it that the Johnstown Flood National Memorial was set aside on August 31, 1964.

Section 604 of Public Law 95-625 requires that general management plans be prepared for all units of the National Park System. The plans, when prepared or revised, include such elements as methods for the preservation of the area's resources, indications of types and general intensities of development, and anticipated costs. A general management plan was completed and approved for these units on July 2, 1980, and an interpretive prospectus/development concept plan was prepared and approved on

November 23, 1983. These plans, which are approved by the National Park Service Regional Director, provide the guidance for the development, interpretation, and cooperation necessary to meet the intent of the legislation establishing these two units. Section 1 would increase the existing development ceiling to implement the general management plan.

Implementation of the development envisioned by the general management plan is not included, however, in the National Park Service fiscal year 1987 budget because of its relatively low priority when compared with other park projects nationwide. Further, we would like to point out that the joint development ceiling for these units is $6,079,600. To date, $1,719,300 has been appropriated, leaving a development ceiling of $4,360,000 against which funds may be appropriated for projects as they gain high enough priority in the budget. Legislation to increase the development ceiling will be reconsidered should the present ceiling become restrictive.

Section 2 would authorize technical assistance and funding for the Johnstown Flood Museum Association. In the fiscal year 1987 budget, the Administration significantly reduced funding for technical assistance to non-Federal entities and, with few exceptions, did not provide funding in the Park Service budget for non-Federal organizations that were previously funded in Park Service appropriations. The Administration feels that funding for such organizations should come from private sources. The National Park Service will continue to work closely with the Museum Association.

Senator **Wallop**. Thank you very much.

I have no questions which I need to direct to you now. We may have some after the testimony that we receive on S. 1819, but we can transmit those to you and receive responses.

Mr. **Galvin**. Thank you, Mr. Chairman.

Senator **Wallop**. Thank you very much.

I will call the panel on S. 1819, then.

Should Senator Armstrong appear during that, I would ask them to indulge me with an opportunity to hear his statement. The panel is Mr. Jerry Horak, who is councilman from Fort Collins; Mr. Greg Hobbs, associate counsel for the Northern Colorado Water Conservancy District; Mr. Larry Simpson, general manager, Northern Colorado Water Convervancy District; Mr. Christopher Brown, conservation director of the American Rivers Conservation Council; Mr. Chuck Wanner, President, Preserve Our Poudre, Fort Collins, CO; Ms. Maggie Fox of the Sierra Club, Boulder, CO.

Jerry, why don't you proceed.

STATEMENT OF LARRY D. SIMPSON, MANAGER, NORTHERN COLORADO WATER CONSERVANCY DISTRICT

Mr. **Simpson**. My name is Larry Simpson. I represent the Northern Colorado Water Conservancy District. I was asked to speak first to kind of lay the groundwork.

Senator **Wallop**. All right. You present yourselves in whichever direction you wish.

It is more than a passing delight to see all of these folks on the same side of the issue at the table.

Mr. **Simpson**. This has been an issue that has been very controversial in the past and has been one that we have worked diligently for many years to bring to a compromise that we show you today.

The map that you see there shows the Cache la Poudre River. In the areas that you see in the blue are those which have been recommended for wild designation; those that are in orange are those that have been recommended for recreational designation.

The city of Fort Collins is in the pink down below here; the area that you see in green right below the orange or right to the right of the orange is the water resources project, which has been studied and been looked at as a project that will reasonably satisfy the future needs of northeastern Colorado as it relates to the Cache la Poudre River.

This was a tradeoff where there were a number of dam sites in the upper part of the river, particularly in the orange area near the word "recreation" on there, that have been looked at for a long time. The compromise, basically, will allow the protection of the river and most of its environmental values and, at the same time, would allow the future potential of the water resources to be considered as it is needed.

We have worked long and hard to try to develop this compromise; it's a very fragile compromise. But I think, like any compromises, there are a few hardliners on both sides that are very adamantly opposed. We hope that we can move this compromise bill forward with the least possible disruption so that these hardliners will eventually disappear into the wild like they generally do.

The Northern Colorado Water Conservancy District represents an agency that provides water to the northeastern quarter of Colorado. We supply water to 500,000 people in approximately 750,000 acres of aerated land. We represent the entire Cache la Poudre River basin and feel that the compromise that you see before you is a good one. It's been hammered out in many long hours. And I think, at this point, it is very historical in that the environmental groups and those responsible for providing water for the future of northeastern Colorado are fairly much in agreement, with the exception of a few that are totally opposed either way.

And so I think we have got a good compromise and we heartily recommend it for as quick enaction as possible.

Thank you.

[The prepared statement of Mr. Simpson follows:]

TESTIMONY OF LARRY D. SIMPSON

Manager, Northern Colorado Water Conservancy District

February 21, 1986

S. 1819, Senator William Armstrong

Before the Subcommittee on Public Lands, Reserved Water and Resource Conservation of the Committee on Energy and Natural Resources, Honorable Malcolm Wallop, Chairman.

Testimony before the U. S. Senate, concerning S. 1819, a bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Cache la Poudre River in Colorado as a component of the National Wild and Scenic River System.

Mr. Chairman and other distinguished members of the Senate. It is an honor and a privilege to testify before you today in support of S. 1819. I am the Manager of the Northern Colorado Water Conservancy District, a political subdivision of the State of Colorado created in 1937 to cooperate with the Bureau of Reclamation in the development of the Colorado-Big Thompson Project. That Project, constructed by the Interior Department's Bureau of Reclamation, delivers water through the Continental Divide for municipal, industrial, and agricultural irrigation uses on the relatively arid East Slope of the Rocky Mountains. The Cache la Poudre River, which is the subject of S. 1819, is located in northeastern Colorado in the general area serviced by the Northern Colorado Water Conservancy District. I was one of the water user representatives on the Committee created by Congressman Hank Brown of northern Colorado to attempt to thrash out a Wild and Scenic Rivers bill acceptable to all concerned for the Cache la Poudre. Representative Brown's companion bill, in the House of Representatives is H.R. 3547, was heard by Representative Vento's Subcommittee on National Parks and Recreation in October of 1985.

Since the beginning of this century the flows in the Cache la Poudre have represented the reserve water resource bank for northeastern Colorado as it develops and grows. This development and growth has accelerated in recent years and the impacts on water demand have begun to erode the beautiful natural greenbelt represented by the irrigated agricultural economy of this region. Over the past six years alone an average of over 225,000 acre-feet of water per year has been lost from this river system because of the lack of storage capacity to store these waters for use during drought periods. This represents as much water as is produced annually by the Colorado-Big Thompson Project. As this area continues to grow in the future, storage of these waters and management of their supplies is mandatory. This can only be accomplished through the construction of storage systems within the Poudre River system to capture this water high enough for its use, first by the municipal and industrial development along the front range, and secondarily its reuse and reuse again by the agricultural economies located further downstream in the valleys of the Cache la Poudre and South Platte River Basins.

The Cache la Poudre River also represents an extremely valuable scenic, recreational, and fishery resource for this region. Consequently, there is a strong need to preserve, if possible, a large portion of the river system for this purpose. While the river is not a free flowing stream and is also not wild in most of its reach, it does represent a highly managed and valuable recreational and aesthetic resource.

The compromise which you have before you represents the culmination of many years of bitter debate and, finally, many months of careful and patient negotiation and compromise. It represents the preservation of the most valuable segments of this river system, seventy-five miles in total, for their scenic and recreational value. It also sets aside eight miles of river above the Poudre Canyon's mouth for reservoir storage and diversion sites to assure water resource and hydroelectric power development options for the future.

During the process of the negotiations to achieve this compromise, both those who wanted to preserve the river in its entirety without any further development and those who would prefer to have the river left totally undesignated to permit future water resource development, have given a great deal. The water resource interests have given up major reservoir sites -- including the Idylwilde site on the Poudre mainstem above Poudre Park. When the boundaries for the Cache la Poudre wilderness were set by Congress in 1980, careful consideration was given to setting those boundaries so that the potential Idylwilde Reservoir site was exempted from that wilderness.

The water users also gave up potential reservoir sites on the Upper Poudre, the proposed Elkhorn Reservoir site, and the Indian Meadows site. In exchange for these trade-offs, a major reservoir site, the Grey Mountain site located on the mainstem below Poudre Park would be set aside by this bill for conservation and power generation purposes above the point where the Cache la Poudre River exits the mountains and enters the plains. The Federal Energy Regulatory Commission has recently granted a permit to the Northern Colorado Water Conservancy District for the Poudre Project, which includes Grey Mountain Reservoir. Another small reservoir site, the proposed Rockwell Reservoir located on the south fork of the Poudre River, has continued to be set aside throughout the entire process. Off-channel reservoirs -- the Cache la Poudre forebay and the Glade Reservoir, will replace the lost Idylwilde and Indian Meadows Reservoirs.

The negotiations which culminated in S. 1819 covered a period of nearly three years. During that process all representatives of the water user and environmental groups have stayed in close contact with their constituents. Last year the Poudre Bill failed because of objection by national environmental groups to certain proposed language and the interruption of designated segments caused by excluding reservoir sites on the mainstem above Poudre Park. All issues have been dealt with and resolved.

The final compromise presented in S. 1819 has now received the endorsement of Governor Lamm and the State of Colorado, the Sierra Club, Preserve our Poudre, City of Fort Collins, the City of Greeley, the Northern Colorado Water Conservancy District Board, the Larimer County Commissioners, the Weld County Commissioners, the Larimer County Farm Bureau, the Larimer County Farmer's Union, the South Platte Basin Coalition, and many other entities. All of these groups have voiced their support for the bill in its present form and have encouraged Congress to proceed with this designation without amendment. The compromise represents a very fragile and sensitively developed meeting of the minds between many groups which normally face each other with great adversity. To modify the language of this bill in any substantive way would immediately throw all hopes of peaceful settlement out the window and embroil this river system and this region once again in the bitter controversies which have faced it over the past many years. Mr. Hobbs will explain some of the important features of the bill.

The storage and management of the water resources of Colorado represents the life-blood for the future economic well-being of our State. This effort in compromise represents a unique opportunity for Congress to assume a leadership role in demonstrating how the water resources of this nation can be developed while at the same time preserving environmental and aesthetic values.

A final comment. We have been supportive of Representative Brown's effort to study a portion of the river as a possible national recreation area. It is our understanding that this recreational study will in no way affect the licensing of the Poudre Project upstream. Putting the Fort Collins segment in Wild and Scenic River study status would have affected licensing of the Poudre Project and tnis is why this segment is proposed as a recreational area, which does not carry with it a freeze on licensing and permitting.

Thank you. I appreciate very much the opportunity to appear before you in person to present this testimony and will be pleased to respond to any questions. I have brought with me some depictions of the designated river segments and how the Poudre Project, described in the FERC Permit Application, appears in relation to the Wild and Scenic River segments. The combination of seventy-five miles of Wild and Scenic River and the Poudre Project will serve recreational, water supply, and energy needs of northeastern Colorado for many years to come. We are very proud to be a part of this compromise. Congressman Hank Brown of Colorado made this possible by patiently working with all sides to resolve their differences. Senator Armstrong has been very supportive of this effort, as has Senator Hart. Hopefully you will adopt and help pass into law the fruits of that labor.

S. 1819 represents a unique compromise on a subject which has been highly controversial in the past and which could affect many citizens of the State of Colorado. I have described that compromise, and the manner in which it was reached, in the attached booklet which I include as part of my testimony.

The Cache la Poudre River is a unique river system in that it combines both the multi-purpose water resources future of northeastern Colorado and also a highly-valued recreational, scenic, and fishery resource for that area. The Cache la Poudre historically has been affected by the actions of man since the late 1800's. It has been impacted by the importation of water from across the Continental Divide and from other river basins, and its flows are partially controlled in the upper reaches by eleven privately owned storage reservoirs and seven transbasin diversion structures. The river from its headwaters represents a highly used and highly managed conduit for the water supplies of northeastern Colorado. Elwood Mead, in his testimony before the House Public Lands Committee in 1901, described the extensive cooperative system of reservoir exchanges which existed on the Poudre at that time and still exists today.

In this arid desert region true conservation of water represents the development of a system capable of storing the waters produced by snow melt during the years when it is plentiful so that it can be carefully apportioned out through the dry cycles to maintain a stable economy and a stable agricultural base. This sytem, if carefully managed, can also assure the stability of scenic minimum streamflows capable of supporting a prized naturally-reproducing sport fishery.

Senator WALLOP. Thank you, Larry.

Let me just say that there is a name that was not on my list who has traveled here to testify: Pat Tierney.

If you wish to come to the table, by all means do. I don't know what happened. But I hope that puts it right.

All right. Larry, I assume you're in charge. Who goes next? I will just mark you off as you come through.

Mr. SIMPSON. Thank you.

STATEMENT OF JERRY HORAK, COUNCILPERSON, FORT COLLINS, CO

Mr. HORAK. Thank you, Mr. Chairman. I have some prepared remarks which I assume can be submitted at this time.

Senator WALLOP. All of the prepared remarks will be in the record in their entirety.

Mr. HORAK. I certainly appreciate the chance to testify here today on, as Larry was saying, this important compromise for preserving and protecting the Cache la Poudre River.

Also some pictures [1] for your review, if you would like, that could help you to see the attributes of the river a little better.

The Cache la Poudre River starts west of Fort Collins and Rocky Mountain National Park and it's a unique river which produces some of the finest native trout in our Nation and flows through the park through Roosevelt National Forest to the cities of Fort Collins and Greeley, before joining the South Platte River.

Since the initial study for possible designation, which it seems started years and years ago, portions of the Wild and Scenic River have always been supported by the citizens of Fort Collins. In fact, the Fort Collins City Council, on a number of occasions, has passed resolutions supporting bills before Congress and has resolutions which support S. 1819, which was done on Tuesday and the companion legislation in the House, H.R. 3547.

Mr. Chairman, it's a united presentation that you're hearing today, which is in sharp contrast to the hearings held in the 1970's and early 1980's, where up to 300 people would pack our council chambers and raise their varied opinions on this issue and were not a united presentation at that time.

I believe the bill before you today embodies sound planning and is consistent with the framing of the Wild and Scenic Rivers Act, especially sections 7 a and b, as well as section 10. Fort Collins, owns some 40,000-acre feet of water in the basin.

We are members of many water users, such as the Cache la Poudre Waters Users Association, the Colorado Big Thompson project, the Water Supply and Storage Co. We are probably a member in as many water users associations as anyone in the basin. So we're interested in keeping future water options open, and I think this bill does that.

One of those options which we were very concerned about was the proposed Rockwell Reservoir site, which would be located on the south fork of the river.

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[1] The pictures are retained in subcommittee files.

A small segment of the river is left undesignated for the purpose of allowing the city to construct this water storage reservoir. This option has been recognized by the Forest Service in the final environmental impact statement as well as the addendum. The part is that part between the wild and recreational part of the river, as well as the Secretary of Agriculture's record of decision.

The city also continues to be very supportive of the proposal to study 18.5 miles of river for possible designation as a national recreation area, which is embodied in section 3 of S. 1819.

I also have a few more pictures which give you a better idea as to what that looks like through our city here. There is a bicycle and foot trail which parallels the Poudre River through Fort Collins for about 8 miles, and we have a study which we have initiated to work with the cities of Greeley and Larimer and in Weld County to see if we can build a trail between the two cities.

The pictures show the Poudre River going through our city with the trail right next to it, some pond areas which are right in the middle of Fort Collins which provide some of the finest wildlife habitat and birding habitat in Colorado.

More interesting, too, is that right next to that trail—right next to that river—there are some economic development opportunities, some high technology sort of industrial parks which have started up. They have located there because of the attributes of the river and because of the attributes of the trail.

So trails in our city can have very positive economic development aspects to them. We are also prepared to contribute our share to the study and will continue to work on this.

Our hope is to work with the Federal Government because, as Congressman Brown has pointed out, there are some opportunities for some land trading; there are various parcels of U.S. Forest Service land which are not contiguous with the forest which we could possibly take a look at for some options for improving the flood plain area along the Poudre.

Mr. Chairman, passage of this bill will achieve the long-sought and hard-fought goals of many consumptive and nonconsumptive resource interests in northern Colorado and the Nation. Preserving the Cache la Poudre River for existing in future generations as a recreational scenic and wild river is our goal.

Mr. Chairman, your favorable action on S. 1819 can make that goal a reality. Thank you.

[The prepared statement of Mr. Horak follows:]

CITY OF FORT COLLINS
DEPARTMENT OF NATURAL RESOURCES

STATEMENT IN SUPPORT OF DESIGNATION OF PORTIONS OF THE CACHE LA POUDRE RIVER IN COLORADO UNDER THE WILD AND SCENIC RIVERS SYSTEM AND THE STUDY OF A SEGMENT OF THE RIVER FOR POSSIBLE DESIGNATION AS A NATIONAL RECREATION AREA

SENATE BILL NO. 1819 CROSS REF. HR 3547

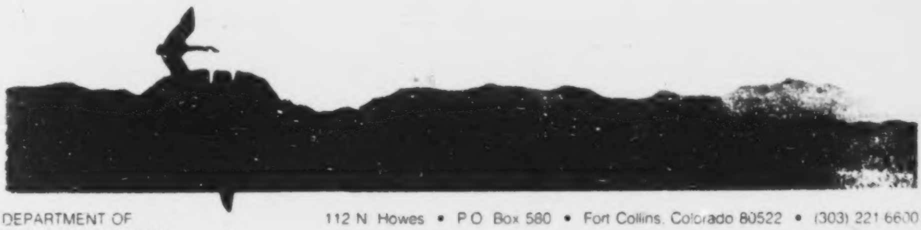
PRESENTED TO

UNITED STATES SENATE
SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER, AND
RESOURCE CONSERVATION COMMITTEE ON ENERGY
AND NATURAL RESOURCES
SENATOR MALCOLM WALLOP, CHAIRMAN

PRESENTED BY

GERRY HORAK
COUNCILPERSON
FORT COLLINS, COLORADO

FRIDAY, FEBRUARY 21, 1986
THE UNITED STATES SENATE
WASHINGTON, D.C.



DEPARTMENT OF
NATURAL RESOURCES
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STATEMENT BY GERRY HORAK
COUNCILMEMBER
CITY OF FORT COLLINS, COLORADO
FEBRUARY 21, 1986

I am Gerry Horak, Councilmember from Fort Collins, Colorado. Thank you Mr. Chairman for convening this hearing and providing me the opportunity to testify in favor of preserving and protecting the Cache La Poudre River through S 1819. I have been a member of the advisory committee selected by Representative Brown to study the designation of certain reaches of the Cache La Poudre River as wild, scenic, or recreational. I am currently a member of an advisory committee to the Colorado Water Resources and Power Development Authority's study on the Cache La Poudre Basin and previously served as an advisory committee member to the State of Colorado's study of various water storage alternatives in the Poudre Canyon. For the past five years, I have served on the Fort Collins City Council.

Fort Collins, Colorado, a city of 85,000 is located at the foot of Colorado's Front Range at the mouth of the Cache La Poudre River. The snow-capped Rocky Mountains loom west of the city and in Rocky Mountain National Park the Cache La Poudre River has its origin. This unique river, which produces some of the finest native trout in our nation, flows through the park, Roosevelt National Forest, the cities of Fort Collins and Greeley, before joining the South Platte River.

In 1984 I testified in favor of wild and scenic designation. Again in October, 1985, I testified in favor of HR 3547. Since the initial study for possible designation of portions of the Poudre River as a National Wild and Scenic River, the citizens of Fort Collins have been very supportive. The City Council of Fort Collins unanimously supported HR 3547 and now supports S 1819 (see attached Resolutions 85-197 and 86-34). This bill, before you today, is the result of extensive thought, hard work, and negotiation among: local, regional, and national users of water resources. Not one voice of opposition was raised during the hearing on HR 3547. This is in sharp contrast to hearings held in the late 70's and early 80's where 300 residents packed the City of Fort Collins Council Chambers to raise their varied opinions. I am grateful for the opportunity to have participated in the agreement reflected in this bill to preserve the unique, scenic river canyon portions of the river while keeping open future water storage options. I believe this is sound planning and is consistent with framing of the Wild and Scenic River Act especially sections 7a and b as well as 10a.

One of the future options is the City's proposed Rockwell Reservoir which would be located on the south fork of the river. A small segment of the river is to be left undesignated under S 1819 and HR 3547 for the purpose of allowing the City to construct this water storage reservoir. This option has been recognized by the U.S. Forest Service in their Final E.I.S. and Addendum statement on designating the Cache La Poudre River. In fact, former Secretary Block's record of decision also notes the exclusion of the segment for the Rockwell dam site.

RESOLUTION 85-197
OF THE COUNCIL OF THE CITY OF FORT COLLINS ENDORSING H.R. 3547 DESIGNATING PORTIONS OF THE CACHE LA POUDRE RIVER AS WILD AND SCENIC AND APPROVING OTHER PORTIONS FOR STUDY FOR POTENTIAL DESIGNATION AS A NATIONAL RECREATION AREA.

WHEREAS, on November 1, 1983, the City Council passed Resolution 83-189 which supported possible designation of portions of the Poudre River as wild and scenic; and

WHEREAS, on November 18, 1983, the City Council agreed to appoint a representative member to the Advisory Panel to Congressman Brown on the Poudre River Wild and Scenic River Designation to consider various designation options; and

WHEREAS, on April 3, 1984, the City Council passed Resolution 84-65 endorsing portions of the Poudre River as wild, scenic, or recreational; and

WHEREAS, in May of 1984, then Mayor Horak testified before a Congressional Subcommittee on Public Land and National Parks hearing on H.R. 5185, in support of designating sections of the Cache La Poudre as wild, scenic, or recreational; and

WHEREAS, on September 19, 1985, Mayor Rutstein testified at a U.S. Congress Hearing in support of H.R. 566, which would authorize a study of a segment of the Poudre River for possible designation as a National Recreation Area; and

WHEREAS, the Council believes that a compromise has been reached between the northern Colorado Water community and local and national environmental groups in preserving the unique, scenic river canyon portions of the River while keeping open future water storage options; and

WHEREAS, Congressman Hank Brown has introduced H.R. 3547 for passage by the Congress which would designate 75 miles of the Poudre River as Wild and Recreational River and 18.5 miles of River for study as potential designation as a National Recreational Area; and

WHEREAS, H.R. 3547 leaves the segment of the South Fork of the Poudre River from a point in Section 1, Township 7 North, Range 73 West of the 6th P.M at elevation 8050 feet above sea level to the easterly section line of Section 30, Township 8 North, Range 72 West of the 6th P.M undesignated under the Wild and Scenic Act for the purpose of allowing the City of Fort Collins to construct a water storage reservoir known as the Rockwell Reservoir for which the City has a conditional water storage decree; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE COLLINS, that the City Council endorses and urges passage of House Bill 3547 designating portions of the Poudre River as wild and recreational and approving other portions for study for potential designation as a National Recreational Area.

Passed and adopted at an adjourned meeting of the City Council held this 22nd day of October, A.D. 1985

Barbara S. Rutstein
Mayor

ATTEST:
Wanda K. Krajicek
City Clerk

RESOLUTION 86-34
OF THE COUNCIL OF THE CITY OF FORT COLLINS ENDORSING SENATE BILL 1819 DESIGNATING PORTIONS OF THE CACHE LA POUDRE RIVER AS WILD AND SCENIC AND APPROVING OTHER PORTIONS FOR STUDY FOR POTENTIAL DESIGNATION AS A NATIONAL RECREATION AREA

WHEREAS, on November 1, 1983, the City Council adopted Resolution 83-189 which supports possible designation of portions of the Cache La Poudre River as wild and scenic; and

WHEREAS, on November 18, 1983, the City Council agreed to appoint a representative member to the Advisory Panel to Congressman Brown on the Poudre River Wild and Scenic River Designation to consider various designation options; and

WHEREAS, on April 3, 1984, the City Council passed Resolution 84-65 endorsing portions of the Poudre River as wild, scenic, or recreational; and

WHEREAS, in May of 1984, then Mayor Horak testified before a Congressional Subcommittee on Public Land and National Parks hearing on H.R. 5185 in support of designating sections of the Cache La Poudre River as wild, scenic, or recreational; and

WHEREAS, on September 19, 1985, Mayor Rutstein testified at a U.S. Congressional Hearing in support of H.R. 566 which authorized a study of a segment of the Poudre River for possible designation as a National Recreation Area; and

WHEREAS, on October 22, 1985, the City Council adopted Resolution 85-197 endorsing H.R. 3547 which was introduced by Congressman Hank Brown and which would designate 75 miles of the Poudre River as a Wild and Recreational River and 18.5 miles of the River for study for potential designation as a National Recreational Area; and

WHEREAS, H.R. 3547 leaves the segment of the South Fork of the Poudre River from a point in Section 1, Township 7 North, Range 73 West of the 6th P.M. at elevation 8050 feet above sea level to the easterly section line of Section 30, Township 8 North, Range 72 West to the 6th P.M. undesignated under the Wild and Scenic Act for the purpose of allowing the City of Fort Collins to construct a water storage reservoir known as the Rockwell Reservoir for which the City has a conditional water storage decree; and

WHEREAS, Senate Bill 1819 has been introduced, a portion of which replicates H.R. 3547; and

WHEREAS, the City Council feels that it is in the best interests of the citizens of Fort Collins to continue support of H.R. 3547 and its designation of portions of the Cache La Poudre River as wild and scenic through an endorsement of S.B. 1819.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the City Council endorses and urges passage of Senate Bill 1819 designating portions of the Poudre River as wild and scenic and approving other portions for study for potential designation as a National Recreational Area.

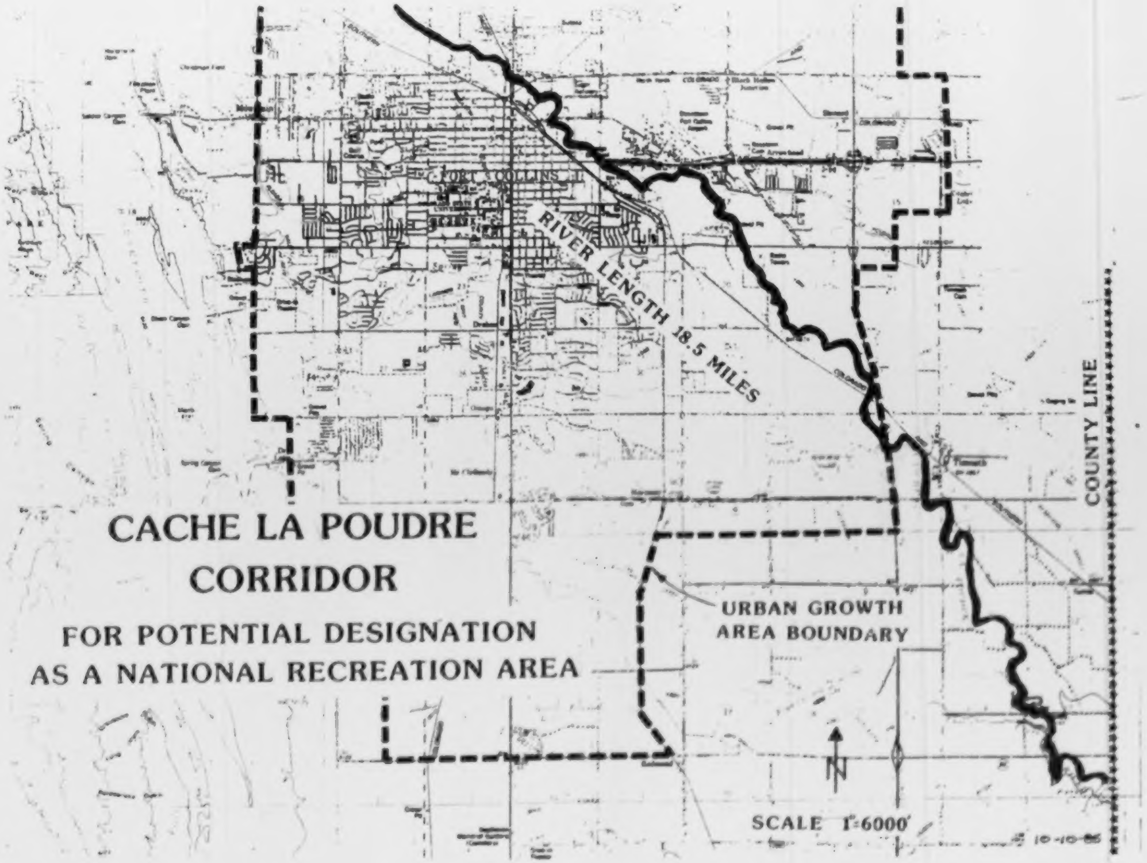
Passed and adopted at a regular meeting of the City Council held this 18th day of February, A.D. 1986.

Barbara S. Rutstein
Mayor

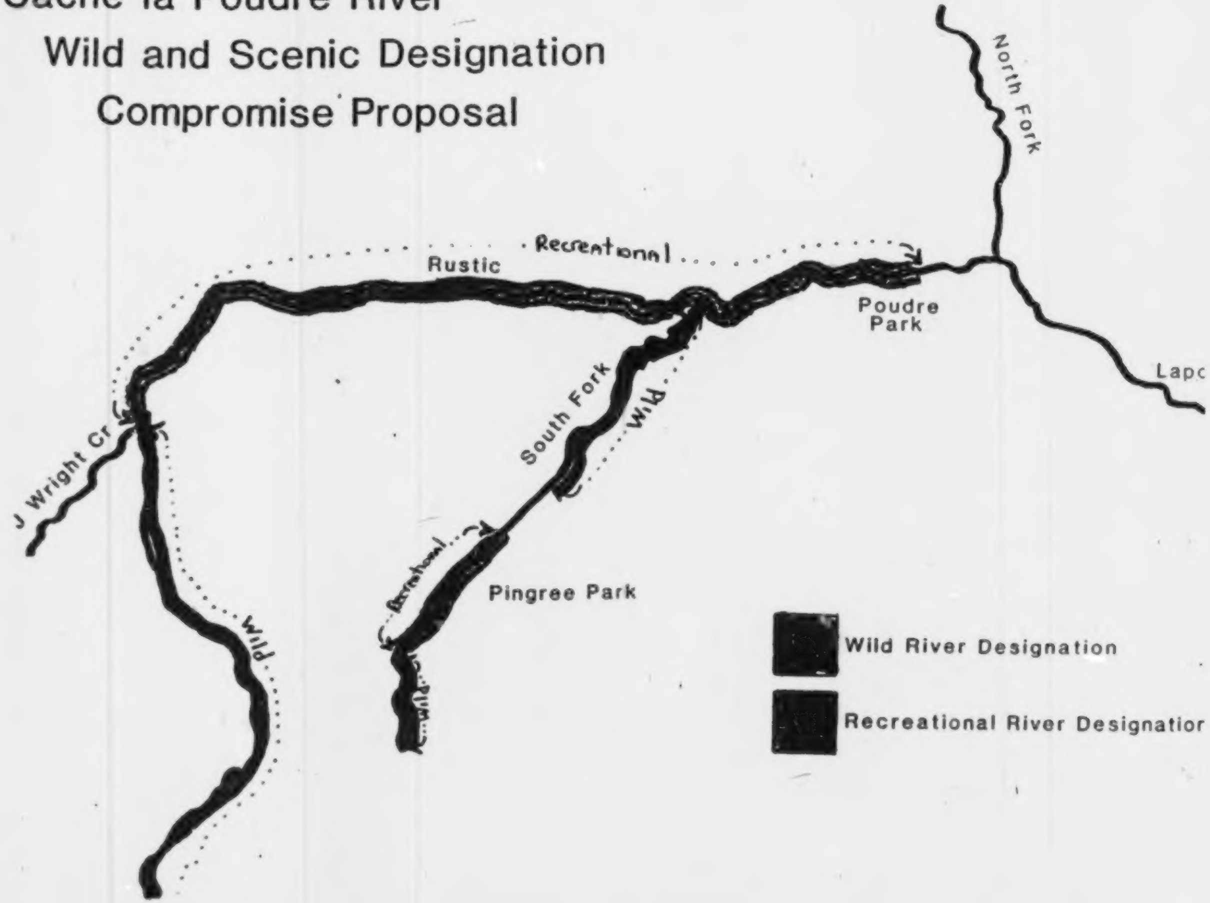
ATTEST:
Wanda M. Krajicek
City Clerk

CACHE LA POUDRE CORRIDOR

FOR POTENTIAL DESIGNATION
AS A NATIONAL RECREATION AREA


FORT COLLINS
RIVER LENGTH 18.5 MILES
URBAN GROWTH AREA BOUNDARY
COUNTY LINE
N
SCALE 1"=6000'
10-10-86

Cache la Poudre River
Wild and Scenic Designation
Compromise Proposal


North Fork
Lapc
Poudre Park
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South Fork
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Pingree Park
Recreational
Wild
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Wild
Wild River Designation
Recreational River Designatior

Senator WALLOP. Thank you, Councilman Horak.

STATEMENT OF PATRICK TIERNEY, ADRIFT ADVENTURES, INC.

Mr. TIERNEY. Yes; my name is Patrick Tierney. I am the owner of a white water rafting and touring company that operates river rafting, hunter ballooning, and sailing trips in Colorado, Utah, Alaska, and Hawaii. I wish to thank you for the opportunity to speak today.

I am a resident, and our company's main office is located at Fort Collins, CO. I am here today to urge passage of Senate Bill 1819 that would designate portions of the Cache la Poudre as a national wild and scenic river. My work allows me to become very familiar with well-known rivers in three States, several of which are cornerstone streams to national parks.

The Poudre River, from Rocky Mountain National Park down to Fort Collins, stands out in my mind as a unique resource among these streams—streams like the Colorado River through the Grand Canyon, and then Green River through Dinosaur National Monument.

Not only does the Poudre have pristine canyons with graceful waterfalls and Alpine flora and wildlife such as evils and bighorn sheep, but it has easy paved-road access that provides tremendous recreational opportunities.

The 1,000-foot-deep canyon and river corridor have remained largely undeveloped for over 60 miles. The river and its environment certainly need or exceed the criteria set forth in the Wild and Scenic Act for a wild river classification, but they also nicely satisfy the criteria for a recreational river classification.

The river corridor is largely under the management of the Forest Service and is one of the most heavily used trout and fishing streams in Colorado. It has numerous campgrounds and picnic areas located along its banks. These are popular with not just local people, but with people from all over the country.

It is well known for its white water rafting and kayaking and has hosted statewide white water boating championships. Our company is one of several rafting outfitters that operate trips on the river.

The popularity of all these recreational activities, including rafting, is expanding rapidly. I estimate that river running use on the Poudre will double in the next 5 years.

Over 65 percent of the people we take on our Poudre River trips are from other States, and I think this is a key point, because it does indicate that it's not just a local recreational area but that it's really people from all over the West and the Nation. Many kayakers, for instance, come from Casper and Cheyenne, Wyoming to the Poudre River.

The existence and quality of the river's wildlife, habitat, recreational activities and associated economic effects are linked directly to its relatively free-flowing nature. For instance, the wild trout fishing and white water boating would be lost without those stream flows.

I think the Poudre is a rare and highly prized resource, judging from the mountain type of use that it receives, plus also the fact that it is the last major undammed river on the front range of the Rocky Mountains, from Montana to New Mexico. I think that's another key fact.

The Poudre now provides all of these environmental values and recreational opportunities and at the same time supplies water for one of the most efficient irrigated agricultural systems in Colorado and domestic water for over 200,000 people. This water is critical to the current and future economic development in northern Colorado.

Storage reservoirs on the Poudre tributaries supply water for these needs. But the main stem has remained essentially undammed and free-flowing.

What we have, in my mind, is an almost ideal situation: Coexistence of critically needed water supply facilities and environmental and recreational resources. I believe that Senate Bill 1819 will assure that this ideal situation continues in the future and provides opportunities for expansion of both water supply and recreational opportunities and to protect the critical natural resources in that area.

All of this at a minimum cost to the taxpayer. The local economy would benefit from the quality recreation use and the domestic water supply.

In the last 8 that I have been involved with the wild and scenic proposal, I have seen both environmental and water development groups go from antagonistic positions to one of compromise. At one time there were two large reservoirs proposed right in the most highly used recreation sections of the river.

Senate Bill 1819 is the essence of this compromise. It would protect the free-flowing nature of the mainstream that allowed continued operation of existing water storage and conveyance systems. The bill excludes protection of sites that would be useful for future water projects if these would ever be proven to be cost-effective to build.

At the same time, it includes most, but certainly not all, of the river segments that are critical to continued wildlife and public recreation development.

So on that I would like to thank you for the opportunity and urge that you pass Senate Bill 1819.

Thank you.

[The prepared statement of Mr. Tierney follows:]

STATEMENT OF PATRICK TIERNEY, ADRIFT ADVENTURES, INC.

My name is Patrick Tierney and I am owner of a tour company that operates river rafting, hot air ballooning and sailing trips in Colorado, Utah, Alaska and Hawaii. I am a resident of, and our company main office is located in Ft Collins, Colorado. I am here today to urge passage of SB1819 that would designated portions of the Cache la Poudre River a national Wild and Scenic River. My work has allowed me to become very familiar with well known rivers in three states, several of which are the conerstone of national parks. The Poudre River within Rocky Mountain National Park down to Ft. Collins stands out in my mind as unique among these other streams. Not only does the Poudre have pristine canyons with graceful waterfalls and alpine flora home to a wide array of wildlife such as eagles and big horn sheep, but it has easy paved road access to many river sections offering a wide variety of recreational opportunities. The 1,000 foot deep canyon and river corridor have remained largely undeveloped for over 60 miles.

The river and its environment certainly meet or exceed the criteria setforth in the Wild and Scenic Act for a WILD river classification, but they also nicely satisfy the criteria for a RECREATIONAL river. The river corridor is largely under the management of the U.S. Forest Service. It is one of the most heavily used trout fishing streams in Colorado and the numerous campgrounds and picnic areas are popular with local and out-of-state families. It is well known for its whitewater rafting and kayaking and has hosted state whitewater boating championships. Our company is one of several rafting outfitters operating trips on the Poudre. The popularity of all of these recreational activities is expanding rapidly. I estimate, for example, that river running use on the Poudre will double in five years. A significant amount of recreation use comes from non-residents. Over 65% of the people we take on Poudre river trips are from other states. Many kayakers come from Casper and Cheyenne, Wyoming.

The use of the Poudre by persons from all over the country has a large economic affect on the local area, especially the many small businesses in the Poudre Canyon. I would estimate, based on the findings of several studies, that fishing and whitewater boating on the Poudre bring over one-half million dollars into the local economy each year.

The existance and quality of the rivers wildlife habitat, recreational activities and their associated economic impacts are linked directly to the free-flowing nature of the stream. Wild trout fishing, and whitewater boating, for example, would be lost without adequate stream flows. The Poudre is a rare and highly prized resource of national and state significance, as indicated by its use and the fact that it is the last major undammed river on the front range of the Rocky Mountains from New Mexico to Montana.

The Poudre now provides all of these environmental values and recreational opportunities and at the same time supplies water for one of the most efficent irrigated agriculture systems in Colorado and domestic water to over 200,000 people. Its water is critical to current and future economic development of northern Colorado. Storage reservoirs on Poudre tributaries and below the segment under consideration supply water, but the undammed mainstem has remained essentially free-flowing. What we have is an almost ideal situation; the coexistance of critically needed water supply facilities and environmental/recreational resources.

I believe that SB1819 will assure that this ideal situation continues in the future and provides opportunities for expansion of both water supply and recreation use, as well as protection of unique natural resources. All of this at a minimum cost to the taxpayer. The local economy will also benefit from quality recreation use and domestic water supply.

In the last 8 years that I have been involved with this Wild and Scenic proposal I have seen environmental and water development groups go from antagonistic positions to one of compromise. At one time there were two large dams being considered for the river. SB1819 is the essence of this compromise. It would protect the free-flowing nature of the mainstem but allow for the continued operation of existing water storage and conveyance systems. The bill excludes from protection sites for future water projects, if these should even be proven cost effective to build. At the same time it includes most, but not all, of the river segments that are critical to the continued existance of wildlife, public recreation and tourism related businesses like my own.

Representitives from the water development, business and environmental communties have worked long and hard at a mutually acceptable bill over the last 8 years. There is support amoung the area residents for its passage. I strongly urge you, therefore, to pass SB1819 as it now is written to assure that the Cache la Poudre River continues to meet our growing national and statewide recreational demands as well as the need for economic development in northern Colorado.

Senator WALLOP. Thank you, Pat. Thank you for coming here. Next.

STATEMENT OF CHARLES WANNER, PRESIDENT, PRESERVE OUR POUDRE, FORT COLLINS, CO

Mr. WANNER. Good morning. My name is Charles Wanner. In light of the fact that we stuck you with an extra participant this morning, I will try to keep my remarks very short.

I am a small businessman in Fort Collins, CO, and I am also president of Preserve Our Poudre. Preserve Our Poudre is a nonprofit ad-hoc business group that's been in existence for about the past 8 years now, working toward, we hope, this bill and its successful inclusion in the Wild and Scenic Rivers Act.

We have worked a long time on this bill, and I think it can't be emphasized enough the kind of cooperation we have had here and the kind of joint effort which you earlier mentioned this morning.

It is important that the bill remain in its present form. It is important to the compromise. We realize there may be some challenges to that, some question of that. It would make it very hard for us to maintain a compromise if this were to happen.

I would like to comment briefly on the Forest Service's recommendations. We are concerned that they have not included some 19 miles in the river. We do not see the administrative problems that they see, especially with the rustic Idlewild stretch being largely the non-forest-owned land is in State hands. And it's a fish hatchery and some other uses. And the State has been very supportive of this bill and very supportive of designation in that area.

Further, I would like to reemphasize what Mr. Tierney said about the importance of this river to the front range of Colorado. It is the last substantial free-flowing drainage on the front range, and it does get high. Recreational use is something like 440,000 visitor-days a year by the Forest Service account in 1980, which is quite a while ago.

Senator Dominick, about 12 years ago, commented that it was a great shame that nobody in Colorado had seen fit to designate a stretch of wild and scenic river. It is now 12 years later. Mr. Dominick has passed from us and we still do not have our river designated in the State.

We seem to think that it is time that we got this job done.

Thank you.

[The prepared statement of Mr. Wanner follows:]

STATEMENT OF CHARLES WANNER, PRESIDENT, PRESERVE OUR POUDRE

My name is Charles Wanner.

I am speaking to you on behalf of Preserve Our Poudre and the Colorado Open Space Council. Both of these organizations have been involved in efforts to designate the Poudre River. Preserve Our Poudre was started in the mid-seventies in response to Senator Peter Dominick's inclusion of the Poudre in an omnibus study bill.

Preserve Our Poudre was incorporated after the dissemination of the original draft E.I.S. in July of 1980. Conservationists had long been interested in the Poudre and had proposed it in 1971 for inclusion in a state wild river system. The study conducted by the Forest Service stimulated about 1,200 letters a vast majority of which supported some type of designation. This was the second greatest number of responses to any draft E.I.S. for a wild river. Over the past two years we have been involved with Congressman Brown's committee, which was formed to reach a compromise on designation for the Poudre. During this process we have helped to negotiate proposed legislation and to facilitate discussion with water user groups. We hope that this bill will pass and that our efforts to resolve this issue will be rewarded.

The Cache la Poudre River starts high in Rocky Mountain National Park near Trail Ridge Road. The mainstem, locally known as the "Big South," flows from the outflow of Poudre Lake at Trail Ridge Road down a long, high mountain valley for about 18 miles through Rocky Mountain National Park and the Commanche Peak Wilderness Area to its junction with Joe Wright Creek and Colorado Highway 14. This stretch of river is completley wild with only a trail and foot bridge as evidence of man's intrusion. If you have ever gazed northward from the Fall River Pass concession area on Trail Ridge Road, the panorama that you see is part of this drainage. This river flows through 100% nationally-held lands.

The South Fork of the Poudre River starts below Icefield Pass and drops about four miles through Rocky Mountain National Park and into the Commanche Peak Wilderness area. This stretch, known as Segment 8 in the Forest

Service's E.I.S., is only 3% privately-owned. From this point the river flows through spectacular high alpine valleys such as Pingree Park along the Pingree Park Road and for 17 miles in Segment 7. Below this stretch and below the current exclusion for what could become the Rockwell Reservoir site this stream runs for eight more miles through the Cache la Poudre Wilderness area to Highway 14. This stretch is a tight, rough, and pristine canyon highly deserving of Wild River designation.

The mainstem of the river from its junction with Highway 14 to the eastern boundary of the Roosevelt National Forest (Segments 1-4, Forest Service E.I.S.) is highly used for recreation. This stretch had 440,200 recreational visits in 1980, according to the Colorado Water Conservation Board study published in 1980. In addition, according to the Forest Service Draft E.I.S., the equivalent of 35,000 12-hour days were spent fishing on this stretch of this river. The opportunity which presents itself for recreational activity along this stretch of river is outstanding. Fishing in state-designated wild trout water as well as excellent rafting and kayaking at high water attract Front Range users in ever-growing numbers.

Parts of Segment 1 above the point at which the river intersects the easterly north-south line of the west 1/2 southwest 1/4 of Section 1, Township 8 North, Range 71 West are included. The river below this point is not included so as not to preclude future management and development options. The upper part of this segment was included at the request of many of the residents adjacent to the river.

The Cache la Poudre River is by far the most unspoiled major drainage in Colorado's front range. This part of Colorado, which includes most of her population, has developed at a rapid rate. This continued development along the front range has increased the need to escape from the pressures of working and living in an urban environment. The demand for natural environments, especially rivers, is high. One need only witness the level of public support for designation at the original Forest Service hearings on the Poudre and the response to requests for written testimony. Statewide studies completed by Dick Walsh and Larry Sanders in 1984 at Colorado State University show that of the eleven rivers studied for protection in Colorado, the Poudre was the most valued. People indicated they would be willing to pay $15 per household or over 15 million dollars to have the river protected by wild and scenic designation.[1]

The recommendation of the Secretary of Agriculture has omitted 21 miles of Section 4 of the studied parts of the Cache la Poudre. As stated in his "Record of Decision," dated 9/9/85, this omission is due to, "predominance of private ownership and potential for future water resource development."

House Bill 3547 is a compromise between water development interests and those favoring designation for the wole river as studied. We feel that this bill adequately addresses the concerns of the Department of Agriculture regarding possible water development. This compromise has been agreed to by most of the major water user groups in the basin. The protective language addressing management of the river's water coupled with the decision not to request designation of the lower part of Segment 1 should remove this concern.

Further, the Secretary mentions a 'predominance of private ownership,' in Segments 1 and 4 as a reason for exclusion from designation. Both segments have approximately 30% private ownership within the corridor, hardly a predominance.

The Forest Services finds 80% private land in Segment 1 and 70% private land in Segment 4 in the final E.I.S. In the 'Addendum to the E.I.S.' they revise this to 32% for Segment 1 and 29% for Segment 4. Yet to quote page one of the addendum, "The discrepancies were not of a magnitude sufficient to warrant revision of conclusions reached or recommendations presented in the final E.I.S." We strongly disagree. We feel that it is extremely important that Segment 4 is included in its entirety and that the upper portion of Segment 1 is included as in the bill. There are obviously some complexities involved in administering these mixed ownership reaches of the river. However, the act does not mandate any acquisition in these cases and although management of these stretches might cost a bit more, this seems a small price to pay for protection of this resource. We would argue that the Forest Service would not necessarily have to increase its expenditures for acquisition or administration by appreciable amounts in order to accommodate these extra miles of stream. The total private ownership in the corridor is, after all, slightly less than 10% of the corridor.

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[1] Sanders, L. and Walsh, R. 1984. "River Economics Study: Executive Summary." Colorado State University, Department of Economics, Fort Collins, Colorado.

Finally, it should be noted that the 1,285,000 dollars mentioned in Mr. Block's 'Record of Decision' is the estimate of all expenses during the next 50 year planning horizon. This makes the total cost for this proposal an estimated $25,700 per year. Surely, our proposal's additional mileage cannot have that much more direct expense connected to it.

The N.E.D. costs are another question. Since the exact stream segments and total mileage in the bill have not been treated as an alternative we must fall back to Alternative E from the E.I.S. Alternative E is the same as the present bill with the exception of the inclusion of Poudre Park and the exclusion of the Rockwell site on the South Fork. According to the 'Addendum to the E.I.S.' this alternative only does slightly less towards producing income and has a higher cost benefit ratio than Alt F. The net result would seem to be a very small economic difference.

In introducing his omnibus study bill, for Colorado rivers that might be included under the National Wild and Scenic River Act, Senator Peter Dominick said, "It is hard to believe that not one river in Colorado is now part of the National Wild and Scenic River System. There is no question that a serious error has been made in not including, up to this time, many of the Colorado rivers which are important tributaries to the rivers already included in the system, or are valuable for various other reasons." These words are even more true today than they were eleven years ago.

The Poudre is a truly unique and beautiful river which deserves the protection of the Wild and Scenic Rivers Act. This bill represents the agreement of a broad base of local water users and environmentalists. We join Congressman Brown and the Colorado delegation in urging your strong support and swift approval of this bill.

STATE OF COLORADO

BOARD OF LAND COMMISSIONERS
620 Centennial Building
1313 Sherman St., Denver, Colorado 80203
(303) 866-3454

Department of Natural Resources

1876

Commissioners
ROWENA ROGERS
TOMMY NEAL
JOHN S. WILKES III

February 20, 1986

The Honorable Malcolm Wallop, Chairman
Subcommittee of Public Lands, Reserved Water
& Resource Conservation
Senate Dirkson Office Building
Washington, D.C. 20510

Dear Senator Wallop:

On February 11, it was called to the attention of the Colorado Board of Land Commissioners that we held properties within the Cache La Poudre proposed wild, scenic and recreational corridor. We discussed with Gregg Hobbs and later with Representative Hank Brown the possibility of exchanging these lands with the U. S. Forest Service to our mutual benefit.

The commissioners are amenable to an equitable exchange. However, our experience with the Federal land management agencies is that exchanges are very hard to consummate. The Bureau of Land Management and U. S. Forest Service are reluctant to acknowledge that State Trust Lands serve the public interest, and they frequently have the advantage of being able to control the use of State land inholdings. In a potential exchange we certainly would have to be assured of equitable treatment of the school trust interest.

This means that equal value would not be the sole criterion for the Land Board's exchange selection. The U. S. Forest Service would be getting lands for which it had a particular need, and the Land Board will want lands which will be of particular benefit to the schools.

The minerals involved in the potential exchange create an additional problem. The granitic materials have known vanadium, uranium, and beryl potential. Valuation of minerals is very difficult, but there are similar occurrences within the U. S. Forest Service holdings which would make exchange possible.

Obviously, we have not had time to develop an exchange proposal nor will we be able to do so in the near future. However, we are agreeable to negotiating an exchange which will be beneficial to the schools of Colorado.

Sincerely,

Rowena Rogers

Rowena Rogers, President
State Board of Land Commissioners

RER:mlp
Enclosures

ANTHONY SABATINI
Administrator

THOMAS E. BRETZ
Minerals Director

ROBERT HAPGOOD
Deputy Register

STATE OF COLORADO

BOARD OF LAND COMMISSIONERS
620 Centennial Building
1313 Sherman St., Denver, Colorado 80203
(303) 866-3454

Department of Natural Resources

1876

Commissioners
ROWENA ROGERS
TOMMY NEAL
JOHN S. WILKES III

MEMORANDUM

TO: Commissioners

FROM: T. E. Bretz

DATE: February 19, 1986

RE: North and South Forks, Cache La Poudre
Townships 8 & 9 North, Ranges 70 thru 75 West

A cursory examination of the state geologic map indicates the following: This area is underlaid by granites, schists and gneisses of various compositions. There are various laramide dikes and granitic dikes. There is a laramide dike along the course of the South Fork as well as a system of complicated faults in Ranges 70 thru 73 West. The course of the North Fork is governed by one of these faults which is an east-west trending fault upthrown to the south with the older schists and gneisses up against the younger granites to the north.

In the past, leases have been issued for uranium and vanadium; gold, silver and lead; beryl and associated pegmatitic minerals.

ANTHONY SABATINI
Administrator

THOMAS E. BRETZ
Minerals Director

ROBERT HAPGOOD
Deputy Register

Cache La Poudre Exchange

State "School Lands" Impacted
By
Cache La Poudre Wild And Scenic Designation Compromise Proposal

Section	Description	Acres	Township	Range	Surface	Minerals
27	All	640	9N	70W	yes	yes
28	E/2 E/2; E/2 W/2	320	9N	70W	yes	yes
33	E/2 E/2: NW/4	320	9N	70W	yes	yes
	E/2 SW/4	80			no	yes
34	All	640	9N	70W	yes	yes
36	All	640	9N	71W	no	yes
35	E/2: E/2 W/2	480	9N	72W	yes	yes
36	All	640	9N	72W	no	yes
16	W/2 SW/4	80	7N	73W	no	yes
36	All	640	8N	73W	no	yes
36	All	640	9N	73W	no	yes
3	N/2 NW/4	80	8N	74W	no	yes
4	N/2 NE/4	80	8N	74W	CP S-363	yes
34	SE/4 SW/4	40	9N	74W	no	yes
36	* N/2 N/2; * SE/4 NE/4; * SW/4 NE/4; * S/2 NW/4;	200	9N	74W	yes	yes
	* S/2	440	9N	74W	no	yes
36	W/2 NE/4 E/2 NW/4; SW/4 NW/4; N/2 SW/4; SW/4 SW/4	320	9N	75W	no	yes

*State Cache La Poudre Subdivision

2,600 Acres Surface and Minerals
3,600 Acres Minerals Only
80 Acres Certificate of Purchase
6,280 Acres of Impacted Lands

This list of lands prepared from a map in the Citizen's Compromise Proposal and is as accurate as can be determined from that map.

Prepared by: W. J. Killip II
2-19-86

Senator WALLOP. Thank you, Mr. Wanner.

STATEMENT OF CHRISTOPHER N. BROWN, CONSERVATION DIRECTOR, AMERICAN RIVERS CONSERVATION COUNCIL

Mr. BROWN. My name is Chris Brown. I am the conservation director of the American Rivers Conservation Council. The Rivers Council is the only national group working exclusively on river protection, and we have, over our 13-year history, worked on getting some 66 rivers designated into the Wild and Scenic River System.

Chuck noted that none of those are in Colorado and Colorado, in fact, next to Alaska, has had more rivers studied and found eligible for the national system than any other State; 12 rivers have been studied and 11 of them have been found eligible. And the Cache la Poudre, we hope, is going to be the first river in Colorado to be designated to the national system.

A couple of quick comments on the bill and on the river. I think what is really unique about the river, from my point of view, is the combination of the natural values it has and the accessibility of the river. It has extraordinary recreational values, wildlife values which other people have commented on, and it's near a number of population centers. It is really the first river you hit coming west to the front range. And, as such, it is really an extraordinary resource for the people of Colorado and really for the people of the entire country. I think that makes it especially deserving of protection in the Wild and Scenic River System.

I want to make just one comment on the bill and that is really on section 2 of the bill, which I think breaks some new ground and breaks new ground in a positive way, in terms of protection of wild and scenic rivers.

The sentence I am particularly interested in is the one which starts "Nor shall the inclusion of the designated portions of the Cache la Poudre be utilized as a reason for or basis for prohibiting development or operation."

This might appear initially as an exception or a loophole being provided in the protections for the Wild and Scenic Rivers Act. We don't see it that way. We see this really as a clarification of the Wild and Scenic Rivers Act. And the Wild and Scenic Rivers Act is not intended to block or prevent downstream out-of-corridor projects. And I think in this case there has been a very specific description of what the project is. The visual intrusion in the corridor that might be provided by any downstream.

And I think what we are saying in this case is that this is acceptable to us; we don't consider that a violation of the protections of the Wild and Scenic Rivers Act. I think what is important is that it be specified very clearly, in committee report language, what is intended by this section.

Just in conclusion, we are very enthusiastic about a study of the river in the city of Fort Collins, section 3 of the bill. My recommendation would be, however, that the National Park Service assist in that study.

The Park Service has extensive experience in 12 States in helping on river planning projects of this kind: Planning trails, planning plant protection, and so on. I think they are the ideal agency to be involved in this particular planning project.

Thank you, Mr. Chairman, for holding the hearing, and I hope very much we are going to have a number of other rivers bills coming over and have hearings on them during the session.

[The prepared statement of Mr. Brown follows:]

ARCC American Rivers Conservation Council
322 4th Street, N.E. Washington, D.C. 20002 Telephone: (202) 547-6900

TESTIMONY OF CHRISTOPHER N. BROWN

CONSERVATION DIRECTOR

AMERICAN RIVERS CONSERVATION COUNCIL

on

S. 1819, THE CACHE LA POUDRE WILD AND SCENIC RIVER DESIGNATION BILL

before

THE PUBLIC LANDS, RESERVED WATER AND RESOURCE CONSERVATION SUBCOMMITTEE

FEBRUARY 21, 1986

INTRODUCTION

Mr. Chairman and members of the subcommittee, it is a pleasure to appear before you today to present the views of the American Rivers Conservation Council (ARCC) regarding S. 1819, the Cache la Poudre Wild and Scenic River Designation Bill, introduced by Senators Bill Armstrong and Gary Hart. ARCC extends its thanks not only to you, Mr. Chairman, for holding this hearing, but also to the individuals from Preserve Our Poudre, the Sierra Club, and the Northern Colorado Water Conservancy District, all of whom rolled up their sleeves, sat down at the bargaining table, and hammered out the compromise that is embodied in S. 1819.

My name is Christopher Brown and I am the Conservation Director of the American Rivers Conservation Council. ARCC is a private, non-profit membership organization and is the only national conservation organization dedicated exclusively to river conservation and preservation. Since its founding in 1973, ARCC has focused its efforts on inducting worthy rivers and river segments into the federal Wild and Scenic River System. Today that system includes 66 rivers throughout the country, none of which is located in Colorado. ARCC has also assisted in the development of state river programs, now underway in 26 states, and in the preparation of local river conservation strategies. ARCC has over 6000 members nationwide.

In general, ARCC strongly supports S. 1819. The delicate compromise that was struck between the parties affected by the river designation (including ARCC) reflects the maximum number of river miles that could conceivably be protected by a designation at this time. However, a reference to future water project development downstream from the designated stretch and "potentially affecting designated (emphasis added) sections of the Cache la Poudre River" must be clarified.

BACKGROUND

The Wild and Scenic River System includes 66 rivers across the country and protects over 7000 river miles from federally licensed or funded water resource project development. While the majority of protected rivers are found in the sparsely settled, public lands of the West, Colorado is a notable exception. Colorado has not a single river protected in the Wild and Scenic System. Ironically, Colorado has had more rivers studied (12) and recommended for designation (11 of 12) than any state but Alaska. Rivers like the Cache la Poudre, Gunnison, Piedra, Green, Yampa, and others remain threatened today in spite of the recommendations of professional land managers and the Administration. With S. 1819, we have the opportunity to begin to correct this lamentable situation.

The Cache la Poudre River was identified as early as 1962 as being a spectacular river resource. In that year, the Colorado Governor's Conference on Parks and Recreation recommended that "Colorado preserve the mountainous portion of a natural river on each slope of the Continental Divide. The Poudre is suggested for the eastern slope." In 1975, legislation was passed to study the river as a potential addition to the federal Wild and Scenic River System and in 1985, the Administration recommended 62 of the 83 miles be designated.

The Cache la Poudre River presents one of the most accessible, yet most scenic river canyons for the large metropolitan centers of the Front Range. It offers a wide variety of recreational opportunities including; superb whitewater rafting and kayaking, trout fishing, cross country skiing, and hunting. The river and its surrounding lands also provide exceptional habitat for deer, elk and bighorn sheep.

Over the last several years, we have witnessed a sincere attempt by the people of Colorado and their elected representatives to permanently protect some of the last free-flowing streams in the state. The legislation before you today is a prime example; both senators have cosponsored S. 1819 and the House companion, HR 3547, is cosponsored by the entire Colorado House delegation. In addition to the efforts underway on the Cache la Poudre, ARCC has been involved in the development of the Black Canyon of the Gunnison National Park Complex proposal, which would contain a 29 mile wild and scenic designation for the Gunnison River. Two new organizations, the Colorado Rivers Coalition and the Friends of the Piedra River, have recently been established to educate the people of Colorado as to the benefits of river conservation. All of these developments portend greater citizen involvement and awareness and will perhaps eventually lead to the balance envisioned by Congress when it passed the Wild and Scenic Rivers Act in 1968. As the Act states, "The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers needs to be complemented by a policy that would preserve other selected rivers in their free-flowing condition..."

COMMENTS ON S. 1819

ARCC strongly supports S. 1819 as legislation that reflects a balance between development and preservation interests and provides for the protection of 77 miles of the Cache la Poudre River. ARCC appreciates the delicate nature of the compromise and the deliberation that went into each and every word of S. 1819. However, there are two sections of S. 1819 in Section 2 of the bill which need to be clarified through these hearings or in committee report language.

Section 2 of S. 1819 says in part, "...Nor shall inclusion of the designated portions of the Cache la Poudre in the Wild and Scenic Rivers System be utilized in any federal proceeding, whether concerning a license, permit, right-of-way, or other federal action, as a reason or basis to prohibit the development or operation of any water impoundments, diversion facilities... located entirely downstream from and potentially affecting designated portions of the Cache la Poudre ... provided due consideration shall be given to reasonable measures for minimizing the impact of such facilities and road relocation on the designated segments."

ARCC finds considerable ambiguity in the terms "potentially affecting" and "due consideration" in Section 2 of S. 1819. It is our understanding that "potentially affecting" refers to a visual intrusion of a potential pumped storage project below the designated portion of the river. In the context of the compromise with the Northern Colorado Water Conservancy District, ARCC will not oppose, in this instance, a visual intrusion on a designated river segment. However, ARCC wants these intrusions clearly identified to prevent other more serious intrusions from arising at a later date. The second vague term that concerns ARCC is "due consideration". Not only is it unclear as to who is providing the "due consideration" but furthermore, no provision is made for mitigation... only consideration.

We question these phrases in the bill because of our concern for maintaining the integrity of Section 7 of the Wild and Scenic Rviers Act, PL 90-542. Section 7, which is the heart of the protections that the Act provides, reads in part, "...Nothing [shall] preclude [development] below or above a wild, scenic, or recreational river area...which will not invade the area or unreasonably diminish the scenic, recreational, fish and wildlife values...". The language in S. 1819 takes some liberties with these protections. With some reluctance, we will accept the present wording on the condition that the committee report language reflect the narrow river- and project- specific exemptions which have been discussed thus far.

CONCLUSION

One of ARCC's top priorities for the 99th Congress is to assist in the designation of the first Wild and Scenic River in Colorado. With conservationists, water development interests, the entire Colorado congressional delegation, and the Administration all supportive of designation, now is the time to protect the Poudre "in perpetuity".

S. 1819 is the culmination of a year-long effort on the part of the above mentioned parties that reflects an agreement designed to protect the river first and foremost, yet also to identify, and to the extent practicable, allay future water development concerns. As we have stated, ARCC prefers that these concerns be clarified now, with the passage of legislation, to prevent any future misunderstanding.

ARCC is proud to support S. 1819 and eagerly awaits this first and very worthy addition to the Wild and Scenic River System from Colorado.

Senator WALLOP. Thank you, Mr. Brown.

STATEMENT OF MAGGIE FOX, SOUTHWEST REPRESENTATIVE, THE SIERRA CLUB, BOULDER, CO

Ms. FOX. Good morning, Senator Wallop. It's a pleasure to be here today. It's been a while since I've testified before you. We want to thank both Senators Hart and Armstrong for their joint cosponsorship of this legislation. It's been a long hard-working process and one in which we have all learned to work together a lot more and gained a great deal out of it.

Specifically, I would like to talk to you about the compromise that we worked out as a participant in those negotiations. The basis of the compromise is really two parts, and it is reflected very accurately in the legislation.

The first section is a designation section, and it designates 75 miles of the river. Approximately 31 miles of the river is wild and 44 miles recreational. An important piece of that is the main stem of the river remains designated from its origin in the Rocky Mountain National Park and a high mountain lake all the way down to just below the town or village of Poudre Park. And the only undesignated segment is the Rockwell site, which was described by Councilman Horak on the South Fork.

That was a very important part of the compromise for us because there are really 83 eligible miles of river that were studied. And to designate 75, we thought was a very positive step forward.

The second element of the compromise is section 2 of the bill, which you would refer to, perhaps, as a savings provision. And in that section was where we spent all of our time and work. And we hammered out a compromise that has three broad concepts to it. The first is to protect the existing managing regime for the river, as well as to protect wild and scenic river values. And that, I think, is an important piece to recognize current water-right holders and the management and use of the river that is going on at this time that the bill would be enacted, as well as to recognize that you want to protect wild and scenic values from that point on. And I think some new ground that we have broken, is trying to work those two elements out.

The second is to assure that the wild and scenic designation would not be used to prohibit or stop the permitting of a proposed project for the Grey Mountain site, which is entirely downstream of all of the designated segments and is the element of the compromise that Mr. Brown was speaking of.

And the third is to clarify and define the reservation of water established by the designation of the river as wild and scenic in relationship to both Colorado and Federal water law.

And in that regard I think we have also broken new ground. We recognize that the river does have a water right and it would get it as of the date of designation. It would be to serve only the purposes for which the river is designated.

So, in that sense, I think we have made some pioneering efforts and hopefully it will receive favorable treatment by both your committee and the entire Senate.

Thank you.

[The prepared statement of Ms. Fox follows:]

SIERRA CLUB
330 Pennsylvania Avenue, S.E., Washington, D.C. 20003 (202) 547-1141

STATEMENT OF MAGGIE FOX

SIERRA CLUB SOUTHWEST REPRESENTATIVE

BEFORE

THE SENATE SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER AND RESOURCE CONSERVATION

HONORABLE MALCOLM WALLOP, CHAIRMAN

FEBRUARY 21, 1986

"When we try to pick out anything by itself, we find it hitched to everything else in the universe." *John Muir*

Mr. Chairman, Members of the Subcommittee,

My name is Maggie Fox. I am the Sierra Club Southwest Representative with an office in Boulder, Colorado. Thank you for the opportunity to testify in support of S. 1819 which would designate 75 miles of the Cache la Poudre River as Colorado's first Wild and Scenic River. We would like to thank Senators Hart and Armstrong for their cosponsorship of this legislation and you, Mr. Chairman, for agreeing to hear our story today.

Colorado conservationists representing local and national interests have worked diligently for more than twelve years seeking a wild and scenic designation for the unique Cache la Poudre River of Northern Colorado. The Cache la Poudre is one of Colorado's finest undammed river treasures -- it drains more than two thousand square miles of land east of the Continental Divide, with its lake headwaters in Rocky Mountain National Park. The mainstem, known locally as "Big South," flows down from an alpine lake through a long, high mountain valley and then through steep-walled canyons before it opens up to head east onto the plains and through the cities of La Porte, Ft. Collins and Greeley, before joining the South Platte River.

The South Fork of the Cache la Poudre starts just below Iceland Pass and drops approximately 4 miles through Rocky Mountain National Park and into the Commanche Peak Wilderness area. The South Fork descends through spectacular alpine valleys, notably Pinegree Park, and then winds through the Cache la Poudre Wilderness area, a wild stretch of river cutting a tight and pristine canyon, to join the mainstem.

The river and its corridor support a broad range of outdoor recreation activities: an excellent cold-water fishery, designated by the State as wild trout water, as well as excellent rafting, kayaking, hiking, picnicking and camping. Besides the fact that the Cache la Poudre is a beautiful river corridor and offers easy access to the nearly two million people of the Front Range of Colorado, the river is the last major portion of free-flowing river mileage left on the eastern Front Range of the Rocky Mountains in Colorado.

The legislation before you today which will designate seventy-five miles of the Cache la Poudre River in Northern Colorado as Colorado's first Wild and Scenic River is the result of three years of negotiation between conservationists and water development interests of Northern Colorado. As a participant in the negotiations, I would like to address generally the background to the negotiations and specifically our understanding of the language in Section 2.

Legislation to designate portions of the Cache la Poudre (H.R. 5185), introduced by Congressman Brown in the 98th Congress, faltered because there was disagreement between conservationists and water users. The bill left undesignated the Idylewilde and Indian Meadows sites on the mainstem and the Rockwell site on the South Fork and thus preserved the possibility of reservoirs on the river. But most important to the demise of the legislation was language which left even the designated segments vulnerable to unreasonable diminishment of scenic, recreational, and fish and wildlife values, should development of undesignated segments occur.

Recognizing the superior recreational and aesthetic values of the River, conservationists and water supply interests advocated designation of the entire stretch of the mainstem from the mountain headwaters to just below the town of Poudre Park, as well as most of the South Fork, a total of 31 miles of "wild" river and 44 miles of "recreational" river. Thus, construction of the proposed Elkhorn, Idylewilde and Indian Meadows dam and reservoir sites on the mainstem will be precluded. The entire South Fork of the Cache la Poudre is designated, except for the small proposed Rockwell Reservoir site which lies between two segments designated as wild river.

Water suppliers have decided to focus their interest in future water and energy needs on the proposed Grey Mountain dam and reservoir site, which is entirely downstream of all designated segments. The Northern Colorado Water Conservancy District currently holds water rights and a FERC preliminary permit for a newly-proposed project in connection with the Grey Mountain dam and reservoir site and an off-channel Glade Reservoir site. These sites are excluded from designation so that water and energy development utilizing these sites will not be prohibited in the future provided that other permitting requirements are independently satisfied, and provided that thorough consideration is given to minimizing any impacts on the Wild and Scenic River values, as discussed further in the following paragraphs. The cities of Greeley and Fort Collins have owned property and water rights for many years in connection with the Rockwell site, in anticipation of the possible construction of a reservoir on that site. Any project proposed in the future for the Rockwell site will be subject to the provisions of the Wild and Scenic Rivers Act and all pertinent regulations.

The basic compromise which led to the introduction of legislation proposing the Cache la Poudre as a Wild and Scenic River is reflected in Section 1 of this legislation, which amends Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274) designating seventy-five miles of the river in various wild and recreational segments. Section 2 of this legislation is a savings provision which implements the protections needed for the Wild and Scenic River values and water supply interests in this designation.

Section 2 was drafted with three broad concepts in mind: (1) to protect the existing management regime for the river as well as Wild and Scenic values; (2) to assure that Wild and Scenic designation not be used to entirely stop the permitting of a proposed project for the Grey Mountain site downstream from all designated segments, but instead be the basis for reasonable measures to minimize any impacts on the Wild and Scenic segment; and (3) to clarify and define the reservation of water established by the designation of the Cache la Poudre as Wild and Scenic in relation to Colorado and federal water law.

Section 2 recognizes that development of the newly proposed project for the Grey Mountain site entirely downstream of all designated portions of the Cache la Poudre is not necessarily incompatible with the legal protection afforded by designation of portions of the river under the Wild and Scenic Rivers Act. There is an additional agreement between the parties, though not stated in Section 2, that the maximum water level elevation would be 5640 feet. This "ceiling" on water level elevation implements the protection provided by designation under the Wild and Scenic Rivers Act. Both sides have agreed to include that height in the Committee report accompanying the legislation. There is also an understanding between all parties that all proposed projects are subject to the full range of applicable federal and state permitting processes. The language of Section 2 is in no way intended to provide a means for circumventing the permitting processes that are otherwise required.

The first sentence of Section 2 specifically recognizes the management regime for stored and diverted decreed water rights on the Cache la Poudre existing as of the date of enactment of this legislation. The bill affirms the existing management scheme to protect the maintenance and operation of existing decreed water rights stored and diverted as of the enactment of this legislation. Further, this provision assures that no new structures will be built, nor enlargements of existing structures or enlarged used of existing structures, either on the designated portions of the river or off channel in the upper stretches, that are not subject to the criteria regarding protection and development set forth in the Wild and Scenic Rivers Act, including 16 U.S.C. 1278 and 1281.

The second and third sentences incorporate the second concept of our compromise. Both sides agree that the Wild and Scenic designation cannot be used to prohibit the development or operation of a project proposed for the Grey Mountain site that is entirely downstream from all designated segments. Both sides also agree that the designation will be an important factor in the permitting process such that "due consideration" of the impacts of any project on Wild and Scenic values is mandated. Thus, actions may be required of the applicant that would restrict or condition the proposed project so as to mitigate or "minimize" any impact(s) on the designated segment or segments. Project sponsors and federal, state and local agencies with permitting authority over the project are thus required to consider reasonable measures in the planning of the project, for minimizing any impacts of the project on the designated Wild and Scenic River segments. We support this provision for three reasons: (1) there is no designated segment below the proposed project site and there is stated agreement that the reservoir, if built will not impound any designated segment; (2) the compromise is site specific to a project proposed below Poudre Park which is entirely below all designated segments; and, (3) while the designation cannot prohibit a downstream project, it can restrict or condition any impacts which a future downstream project could have on Wild and Scenic values. Conservationists have not expressed or implied endorsment of any project or projects proposed for the Grey Mountain site, but instead reserve the right to review and respond to any proposal on its merits at the appropriate time.

The reference to the relocation of Highway 14 in Section 2 is intended to address the potential for flooding Highway 14 if the proposed project is ever built and the consequent need to provide access to Poudre Park should the existing road be lost. Conservationists agreed to a potential need for road relocation specifically because this is a recreational section of the river where a road currently exists and already provides access to residents of Poudre Park. Agreement is not intended to presage support from conservationists for road access to any other private inholdings currently without access bordering a Wild and Scenic river.

Consistent with state and federal law, including Section 13(c) of the Wild and Scenic Rivers Act, and consistent with the agreement of the parties, the last sentence of Section 2 affirms the reservation of water that accompanies the designation of the river as Wild and Scenic, notes the priority date as the date of enactment, and recognizes the jurisdiction of Colorado water court for adjudication.

In summary, it is important to note that this legislation is the result of three years of careful negotiation. The extent of agreement is reflected in the cosponsorship of this legislation by all members of the Colorado delegation. We are excited and pleased by this show of support. The unique qualities of a large portion of the Cache la Poudre River of Northern Colorado are recognized and protected for future generations in this legislation. It is for that reason that we are here today in enthusiastic support of S. 1819.

Senator WALLOP. Thank you, Maggie. I recognize some of those points of which you spoke as being new ground.

I detect a couple of hands at the table in the operation at that. But I do think, you know, things like that are creative so that in many instances we can accomplish some things that were viewed as impossible not so very long ago.

STATEMENT OF GREGORY J. HOBBS, JR., ASSOCIATE COUNSEL, NORTHERN COLORADO WATER CONSERVANCY DISTRICT, DENVER, CO

Mr. HOBBS. Mr. Chairman, it is a great pleasure to appear before you today and to sit at the table with Maggie Fox, with whom I have had some serious disagreements on other matters, but not on this one. She says that can be worked out. That is very hopeful.

You are speaking about wilderness water rights, are you not? We have worked for 2 years—Maggie Fox and myself, Larry Simpson, Gerry Horak, and Chuck Wanner—to hammer out this compromise.

Senator Wallop, I have a personal letter to you today that sets forth some facts in response to a letter from the Cache la Poudre Water Users Association. It has not been duplicated, but in my opinion the claim that members of that organization were not consulted is false, and I have responded to that. And, in fact, I have personally talked to the counsel for that association before this compromise was finalized and I think it is a case of a situation where they were not satisfied. We tried hard to arrive at the compromise. Both sides gave, and the result is contained in the bill. And the facts are reported in my letter to you.

I also have with me today the statement of the Governor of the State of Colorado, Governor Lamm, as presented by David Getches, who asked me to hand deliver their statement to you. It is in the record. They support this compromise effort wholeheartedly and we would like to see this as the first wild and scenic river in Colorado, as something all of us can be proud of. And certainly the Governor and the executive director of the department of natural resources have been very supportive.

There is also a letter from the president of the board of land commissioners which I have personally hand delivered to you that indicates their willingness. This is State school property; they are willing to exchange with the Forest Service on an equitable basis so that that corridor is preserved. And much of the land the State school board has up there is this land where the Forest Service doesn't want to designate as a wild and scenic river.

I think our land board has shown a willingness to work with that. We wholeheartedly endorse the full designation of the river and believe that the private landowners and the State land board can be worked with.

With that I just say it is much better in my opinion to deal with the reserve water rights issue straight on in a bill like this than it is to have reserved water rights spring up by implication.

Thank you.

[The prepared statement and additional material submitted by Mr. Hobbs follows:]

TESTIMONY OF GREGORY J. HOBBS, JR.
BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER AND RESOURCE CONSERVATION OF THE U.S. SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

HONORABLE JAMES A. McCLURE - COMMITTEE CHAIRMAN
HONORABLE MALCOLM WALLOP, SUBCOMMITTEE CHAIRMAN

REGARDING S. 1819

A BILL TO INCLUDE PORTIONS OF THE
CACHE LA POUDRE RIVER IN THE
NATIONAL WILD AND SCENIC RIVERS SYSTEM

February 21, 1986

Senator Wallop and Members of the Subcommittee:

I am Greg Hobbs, Associate Counsel to the Northern Colorado Water Conservancy District. The District's manager, Mr. Larry Simpson, has asked me to explain some of the features of S. 1819 which are significant parts of the compromise which led to introduction of this legislation. My law partner, Mr. John Sayre, and I participated on the negotiating team as representatives of water users. Maggie Fox of the Sierra Club and Chuck Wanner of Preserve Our Poudre were assisted by attorney Barney White who participated on behalf of environmental interests. This negotiation effort resulted in the introduction of H.R. 3547 by Representative Hank Brown of Northern Colorado and S. 1819 by Senator Armstrong. These bills are identical and are supported by the entire Colorado congressional delegation.

One of the fundamental issues was the extent of designation which could be jointly recommended. The compromise designation of the Poudre mainstem, which resulted from the negotiations and is now contained in S. 1819, extends from Poudre

Lake at the very upper part of the Poudre River all the way to a designated point below the community of Poudre Park. This lowermost point is identified in the Bill as "a point where the river intersects with the easterly north-south line of the W1/2 SW1/4 of Section 1, Township 8 North, Range 71 West of the 6th P.M." This point was picked in deference to residents of the community of Poudre Park who wished to be "guaranteed" that the reservoir which will be built in connection with the Grey Mountain Reservoir will not flood Poudre Park.

The principal goal of the water users in the negotiations was to ensure that development of Grey Mountain Reservoir and the other features of the Poudre Project, which will be built for water supply and hydroelectric power production purposes in the future, will not be prohibited because of inclusion of any portion of the Poudre River in the national Wild and Scenic River System. In particular, water users were concerned that the Wild and Scenic Rivers Act and the Forest Service regulations, especially 36 C.F.R. Sec. 297.5, might be utilized to prohibit development of the Poudre Project or other water or power development below Poudre Park. These regulations provide that the Secretary of Agriculture may withhold his consent to any federal license, permit, or other authorization which is "above, below, or outside" the Wild and Scenic River when the project will "unreasonably diminish the scenic, recreational, and fish wildlife values of a Wild and Scenic River." 36 C.F.R. Section 297.5(a)(2).

Since the Northern Colorado Water Conservancy District had applied for, and now has received a permit from the Federal Energy Regulatory Commission (FERC) for the Poudre Project, it was essential from the water user standpoint to provide in the compromise that inclusion of the designated portions of the Cache la Poudre River in the Wild and Scenic River System cannot be used as a reason or basis for prohibiting the development or operation of water and hydroelectric power and transmission facilities downstream from designated portions of the Cache la Poudre River. This concession was agreed to by the environmental interests provided that due consideration is given to minimizing the impact of such development on the Wild and Scenic River. Therefore, development of the Poudre Project will be accompanied by studies of measures which will reasonably mitigate impacts, if any, of the project on the Wild and Scenic River.

The Cache la Poudre Water and Power Project is described in a June 1985 Application of the Northern Colorado Water Conservancy District to FERC. The permit for the project, issued by FERC on October 7, 1985, is attached (Project No. 9290-000, 33 FERC 62,022). The project consists of the off-channel Cache la Poudre Forebay in Greyrock Meadow atop Greyrock Peak, the Grey Mountain Dam and Reservoir on the mainstem Cache la Poudre (also known as the Cache la Poudre Afterbay), the off-channel Glade Reservoir, and associated facilities. For the purpose of section 2 of S. 1819, all of the features of the Poudre Project described in the FERC permit application are "entirely downstream" and "below" the designated cutoff point for Wild and Scenic River designation below Poudre Park.

Because the community of Poudre Park desired to extend the downstream designation through the community, in order to "guarantee" that Grey Mountain Reservoir would not flood the community, it was necessary to provide in the Bill that Highway 14 can be relocated as necessary to provide access to Poudre Park around the water impoundment, diversion, and hydroelectric power and transmission facilities. At present, Highway 14 proceeds along the river up the Poudre canyon from its mouth, northwest of Fort Collins, through the Town of Poudre Park. Developing the Grey Mountain Reservoir site will most probably require relocating the road away from the floor of the canyon, rejoining existing Highway 14 above the community of Poudre Park. For this reason, the Bill provides that Highway 14 may be relocated to any point east of the north-south 1/2 section line of section 2, Township 8 north, Range 71 West of the 6th P.M., within the Wild and Scenic River corridor, providing enough room for relocation of Highway 14 around the Poudre Project.

The basic compromise which led to the introduction of S. 1819 is that water users agreed to designation of all previously identified reservoir sites on the mainstem of the Poudre from Poudre Lake through the community of Poudre Park. This entailed foregoing future water development at the Upper Poudre, Elkhorn, Idylewilde and Indian Meadows sites, which have been the subject of study and development plans in the past. In return, water and power development below the downstream designated cutoff point for the Wild and Scenic River will not be prohibited, so long as due consideration is given to reasonable measures for minimizing the impact of such development on the Wild and Scenic River. S. 1819 contains a provision recognizing that such development is not incompatible with inclusion of the designated portions of the Poudre as part of the national Wild and Scenic River System.

On the South Fork of the Poudre, which joins the mainstem of the Poudre above Poudre Park, the small Rockwell Reservoir site has been left undesignated between two designated segments. Otherwise, the South Fork is completely designated for inclusion in the Wild and Scenic River System. The cities of Greeley and Fort Collins have owned property and water rights in connection with the Rockwell site for many years.

Another fundamental element of the compromise is that inclusion of the designated portions of the Cache la Poudre River into the Wild and Scenic River System shall not interfere with the exercise of existing decreed water rights, where such rights have been exercised through storage or diversion of water through the present capacity of storage, conveyance, or diversion structures that exist as of the date of enactment of the Bill into law. Operation and maintenance of existing structures are likewise exempted from interference caused by inclusion of the designated segments within the national Wild and Scenic River System.

These provisions of the compromise were necessary to allay the fears of water users that Wild and Scenic River designation might be utilized to control the operation of existing structures. Since the nineteenth century, the Poudre River, from its headwaters, has been intensively managed for importation, storage, diversion and conveyance of water. A Wild and Scenic River bill without protection for existing structures, and the water rights utilized in connection with them, would be anathema to water users. Fortunately, the proponents of a Wild and Scenic River were willing to recognize this. A very informative Master's Thesis describes historic water management and development activities in the Poudre Basin, including its headwaters, "Foreign Water in the Cache la Poudre Valley" (Russel N. Bradt, Unpublished Master's Thesis, Colorado State College of Education, Greeley, Colorado 1948).

S. 1819, as introduced, recognizes that inclusion of portions of the Cache la Poudre River in the Wild and Scenic River System creates a reservation of water in the designated segments, with a priority date consisting of the day the Bill becomes law. Adjudication of the reserved right shall occur in Colorado water court.

In view of the often acrimonious debate over federal reserved water rights in Colorado and throughout the West, it was not easy for water users to recognize creation of a reserved water right by means of this Bill. That such a provision is part of the compromise underscores the importance which water users attach to the other provisions of section 2 of the Bill which I have mentioned.

Senator Armstrong's bill also contains a provision for study of a stretch of the Cache la Poudre through the City of Fort Collins, as a possible national recreational area. This stretch is not being included as a study segment under the Wild and Scenic Rivers Act because concern was expressed by the water user interests about interference with FERC licensing for the Poudre Project. Study as a national recreational area does not invoke a prohibition against FERC licensing whereas study under the Wild and Scenic Rivers Act contains such a prohibition.

S. 1819 was carefully drafted to implement a fundamental compromise between water user and environmental interests. To his great credit, Congressman Brown of northern Colorado patiently encouraged all interested parties, for almost three years, to fashion a resolution which forwards and protects environmental, recreational, water supply, and energy needs and values in the Poudre Basin. Being a part of this effort has been very gratifying. I join all my colleagues who were involved in the negotiation process, urging your adoption of the Bill as introduced by Senator Armstrong.

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Northern Colorado Water Conservancy) Project No. 9290-000
District

ORDER ISSUING PRELIMINARY PERMIT

(Issued October 7, 1985)

The Permittee 1/ filed an application for preliminary permit under Section 4(f) of the Federal Power Act (Act), 16 U.S.C. 797(f), for the proposed water power project.

Notice of the application was published in accordance with Section 4(f) of the Act and the Commission's regulations. All protests that have been filed, motions to intervene that have been granted, together with all comments filed by Federal, State, and local agencies have been fully considered in determining whether to issue this permit.

Effects of This Preliminary Permit:

The purpose of any preliminary permit is to maintain priority of application for a license during the term of the permit while the Permittee conducts investigations and secures data necessary to determine the feasibility of the proposed project and to prepare an acceptable application for license. A preliminary permit does not authorize construction of any project works. This permit does require the Permittee to conduct certain studies, but under conditions which will assure that those studies cause no significant adverse environmental impacts. For these reasons, the issuance of this preliminary permit is not a major Federal action significantly affecting the quality of the human environment.

Any objections to issuance of the permit by commenting parties or agencies were based upon impacts of future construction and/or operation of the project, not upon impacts associated with the studies to be performed under the permit.

Any concerns raised in the comments, protests, or motions to intervene addressing the potential effects of actually constructing and operating the proposed project are not affected by the issuance of a preliminary permit.

1/ In this, "Permittee" refers to the applicant or applicants named in the caption for this proceeding.

The articles of this permit provide for studies, in coordination with the appropriate agencies, to address the technical, economic, and environmental considerations related to the proposed project. Should the Permittee find the project to be feasible and file a development application, all interested persons and agencies will be given notice and have an opportunity to review the application, present their comments concerning the project and the effects of its construction and operation, and seek to participate in the proceeding.

For the purpose of assuring the cooperation required by the terms of the permit, a liaison officer must be designated to act for the Permittee in keeping appropriate Federal, State, and local agencies specified in this permit currently informed about the progress of investigations throughout the term of the permit. The liaison officer must communicate with those agencies within 60 days from the date of issuance of this permit.

The named Permittee is the only party entitled to the preference and priority of application for license afforded by this preliminary permit. In order to invoke this permit-based priority and preference in any subsequent licensing competition, the named Permittee must file an application for license as the sole applicant, thereby evidencing its intent to be the sole licensee and hold all proprietary rights necessary for the construction, operation and maintenance of the proposed project. Should any other parties intend to hold during the term of any license issued any of these proprietary rights necessary for project purposes, they must be included as joint applicants in any application for license filed. In such an instance where parties other than the Permittee are added as joint applicants for license, the joint application will not be eligible for any permit-based preference or priority. City of Fayetteville Public Works Commission, Project No. 3137, et al., "Order Determining Preference, Issuing Preliminary Permit and Denying Competing Application" (16 FERC ¶61,209).

Pursuant to 18 C.F.R. §375.314, the Director of the Office of Hydropower Licensing or the Director's designee orders:

(A) A preliminary permit is issued to the Permittee for the proposed project as described in the attached notice, for a period effective the first day of the month in which this permit is issued, and ending either 36 months from the effective date or on the date that a development application filed by the Permittee has been accepted for filing, whichever occurs first. This permit is subject to the terms and conditions of the Federal Power Act (Act), which is incorporated by reference as part of this permit, and subject to the regulations the Commission issues under the provisions of the Act.

(B) This permit is also subject to Articles 1 through 6 set forth in Form P-1 (revised October 1975), entitled "Terms and Conditions of Preliminary Permit," attached to (reported at 54 FPC 1797) and made a part of this permit, and subject to the following special conditions set forth as additional articles:

Article 7. In the interest of protecting and developing the natural resources and other environmental values of the project area, the Permittee shall consult with the appropriate Federal, Regional, State, and local agencies in their fields of responsibility and expertise, shall conduct its project investigations in a manner which protects the environmental integrity of the area, and shall fully explore all feasible alternatives to the project and alternative project designs, taking into account impacts on natural resources and other environmental values. These resources and values include, but are not limited to: forests, land management and treatment, fish, wildlife, recreation and public use, flood regulation, water and air quality (including water supply, groundwater studies, waste treatment and disposal), public health and safety, archeological, historic and cultural sites, threatened or endangered species of flora and fauna, and scenic and aesthetic values. The Permittee shall initiate and conduct, or have conducted, any studies that may be necessary to determine the impact of the construction and operation of the proposed project on these natural resources and values and measures needed to protect and develop them or to provide for their mitigation or replacement, including alternative designs and operational measures, and shall utilize the results of these studies in the preparation of the relevant exhibits or reports required to accompany any application for a license to construct and operate the project. In connection with studies pertaining to archeological and historic and cultural sites, the Permittee shall consult with the State Historic Preservation Officer for each state in which any part of the project would be located, and the National Park Service of the U.S. Department of the Interior.

Article 8. The Permittee shall file a report in triplicate at the close of each 6-month period from the effective date of this permit, to the Director, Office of Hydropower Licensing, with a copy to the FERC Regional Engineer for the Region in which the proposed project would be located (the Commission's authorized representative for the purposes of this permit), or to any other officer the Commission may designate, and a copy, if requested to any agency consulted. Specifically, the report must briefly describe the purposes and scope of all conferences and investigations, identify participants, summarize decisions and conclusions, provide a schedule for completing remaining work, and contain copies of important correspondence and studies or summaries thereof. Each report must include a statement summarizing the permittee's conclusion as to the feasibility of the project and permittee's anticipated date for submitting a license or exemption application, as appropriate.

The first report should include a specific schedule showing when study tasks will start and when they will be completed. In particular, the report should address the following items: (1) the studies conducted during the past 6-month period (copies of studies or summaries thereof should be furnished); (2) summary of consultations with agencies, and copies of correspondence and meeting notes verifying that such consultations took place during the past 6-month period; (3) an outline and summary of engineering, environmental, and other investigations to be conducted during the ensuing 6-month period to determine the feasibility of the project as delineated by Article 1; (4) a summary of the consultations with the appropriate Federal, state, and local agencies that will take place during the ensuing 6-month period as outlined by Articles 7 and 10; and (5) an assessment of the feasibility of the project. The appropriate Federal, state, and local agencies should be contacted to obtain their views and requirements regarding the studies conducted by the Permittee and such studies shall be coordinated with agencies to ensure adherence to the agency consultation requirements of the Commission's regulations (18 CFR §4.38).

Article 9. The Permittee shall, during the initial period of the permit, consult with the U.S. Fish and Wildlife Service of the Department of the Interior, the State fish and game agencies, and the National Marine Fisheries Service of the U.S. Department of Commerce if the project affects anadromous fish, to obtain their views and recommendations on studies to be conducted during the term of the permit to assess the effect that the proposed project might have on fish and wildlife resources, and the facilities or measures that may be needed to conserve and develop those resources. A copy of the report on the Permittee's study shall be filed as part of the fish and wildlife exhibits or reports of any subsequent application for license.

Article 10. Prior to undertaking any investigation work under the preliminary permit on National Forest land within the proposed project boundary, the Permittee shall: consult with the Forest Supervisor, Roosevelt National Forest, Fort Collins, Colorado 80521 or his designated representative, as to reasonable requirements relative to field surveys and investigations; shall cooperate with the Forest Service during the term of this permit to develop a plan for alleviation of damage to, and achieving maximum utilization of, National Forest resources insofar as they are affected by any studies and investigations conducted pursuant to this permit; and shall enter into a memorandum of agreement with the Forest Service pertaining to requirements for fire prevention and control, and for alleviating injury to or destruction of Forest Service lands, resources, buildings, bridges, roads, trails, and other improvements of properties of the United States. The term of that memorandum of agreement shall be for the term of the preliminary permit and until final Commission action on any application for license for the proposed project. Within 90 days from the date of issuance of this order, the Permittee shall file a copy of the memorandum of agreement for the Commission's information.

Article 11. The Permittee shall coordinate the studies for the proposed project authorized by this permit with the Regional Director of the Bureau of Reclamation, Department of the Interior for the region in which the proposed project would be located.

(C) This order is final unless appealed to the Commission by any party within 30 days from the issuance date of this order under 18 C.F.R. 385.1902 (1985).

Fred E. Springer
Director, Division of
Project Management

P-9290-000

UNITED STATES OF AMERICA

FEDERAL ENERGY REGULATORY COMMISSION

Notice of Application Filed with the Commission

(August 1, 1985)

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection:

a. Type of Application: Preliminary Permit

b. Project No: 9290-000

c. Date Filed: June 10, 1985

d. Applicant: Northern Colorado Water Conservancy District (NCWCD)

e. Name of Project: Cache la Poudre Water and Power

f. Location: On Cache la Poudre River, near Fort Collins, in Larimer County, Colorado

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. §§791(a)-825(r)

h. Contact Person: Mr. Darrell D. Zimbelman
Assistant Manager, NCWCD
P.O. Box 679
1250 North Wilson Avenue
Loveland, CO 80539
(303) 667-2437

i. Comment Date: SEP 9 1985

j. Description of Project: The proposed pumped storage portion of the project would consist of: (1) Grey Mountain Dam, a proposed 400-foot-high, 1,330-foot-long concrete gravity dam, located across the mainstem Cache la Poudre River, approximately 2 miles downstream from its confluence with the North Fork, impounding, (2) Cache la Poudre Afterbay, a proposed reservoir with a total storage capacity of 155,000 acre-feet and a surface area of 1,100 acres at a normal maximum water surface elevation of 5,600 feet msl; (3) Cache la Poudre Forebay, a proposed reservoir with a total storage capacity of 53,000 acre-feet and a surface area of 212 acres at a normal maximum water surface elevation of 7,040 feet msl, impounded by, (4) Cache la Poudre Dam, a proposed 370-foot-high, 4,000-foot-long rockfilled or concrete gravity dam; and (5) two dikes, one 140-foot-high and 1,000-foot-long and the other 370-foot-high and 2,000-foot-long all located at Greyrock Meadow; (6) three, approximately 3,650-foot-long high-head conduits originating in the upper intake of the Forebay, bifurcating into two steel-lined penstocks, each leading to, (7) one of six 350 MW Francis turbine-generator units located within an underground powerhouse with a total installed capacity of 2,100 MW and producing an estimated average annual generation of 3,570 GWh at a hydraulic head of 1,465 feet; and (8) related transmission facilities.

The proposed conventional portion of the project would consist of: (1) Glade Reservoir, with a total storage capacity of 320,000 acre-feet and a surface area of 2,500 acres at a normal maximum surface elevation of 5,600 feet msl, created by, (2) the proposed 340-foot-high, 4,750-foot-long Glade Dam, and (3) by a proposed 30-foot-high, 650-foot-long dyke, all located in the dry Hook and Moore Glade Valley. The reservoir would be filled from the Cache la Poudre River via flows diverted into the U.S. Bureau of Reclamation's North Poudre Supply Canal; (4) a powerhouse located in the vicinity of the dam's outlet works with a total installed capacity of 1 MW; and (5) related transmission facilities. Discharged water would be returned to the Cache la Poudre River.

The proposed project would be located on Roosevelt National Forest, State of Colorado, and privately owned lands. The Cache la Poudre River has been studied by the U.S. Forest Service pursuant to the Wild and Scenic Rivers Act. Applicant intends to sell the project power to Energy Resources Development Associates, Inc.

A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for development. Applicant estimates that the cost of the studies under permit would be $5 million.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C and D2.

A5. Preliminary Permit -- Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36 (1985)). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application.

A competing preliminary permit application must conform with 18 CFR 4.30(b)(1) and (9) and 4.36.

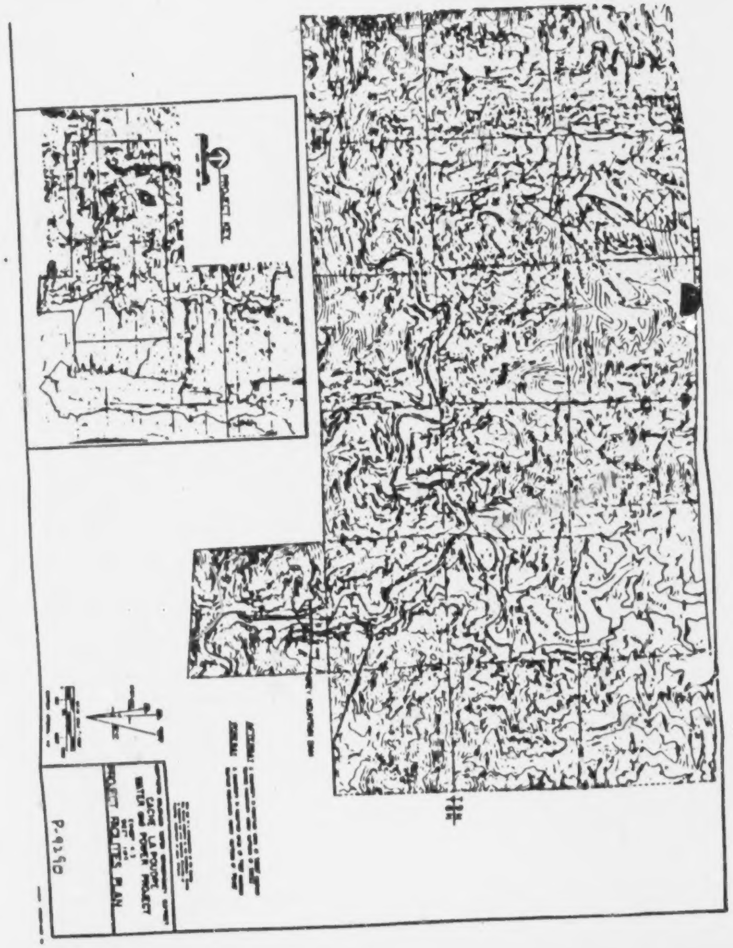
A7. **Preliminary Permit** -- Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before the specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application.

A competing license application must conform with 18 CFR 4.30(b)(1) and (9) and 4.36.

A9. **Notice of intent** -- A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) a preliminary permit application or (2) a development application (specify which type of application), and be served on the applicant(s) named in this public notice.

B. Comments, Protests, or Motions to Intervene - Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. §§385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. Filing and Service of Responsive Documents - Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Mr. Fred E. Springer, Director, Division of Project Management, Federal Energy Regulatory Commission, Room 203-RB, at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.


PROJECT KEY
CACHE LA POUDRE
WATER and POWER PROJECT
PROJECT FACILITIES PLAN
P-9290

D2. Agency Comments - Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Kenneth F. Plumb
Secretary

The Cache LaPoudre Water Users Association
P.O. Box 206
Eaton, Colorado 80515
454-3377

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February 10, 1986

Senator Malcolm Wallop
United States Senate
SD-308
Washington, D.C. 20515

Dear Senator Wallop:

Some time in 1986, the Congress will consider a bill to designate segments of the Cache La Poudre River in Colorado under the Wild and Scenic Rivers Act. It is our understanding that the bill will be first considered by the House's Subcommittee on National Parks and Recreation and thereafter by the Senate's Subcommittee on Public Lands, Reserved Water and Resource Conservation.

Representative Hank Brown of Colorado, the principal sponsor, was informed by those who worked out the language of the bill that it satisfied the concerns of all segments of the community, including those whose primary interest was environmental protection and those whose primary concern was proper use and conservation of available water supplies. Therefore, in good faith, he so represented; but regrettably, he had been misinformed.

The Cache La Poudre Water Users Association, and its members, were not consulted concerning the compromise. This is unfortunate in that the Association represents all of the major water users of the Cache La Poudre Basin. Collectively, the members of the Association use approximately 95% of all of the waters either natural to or imported into the Cache La Poudre Basin. It truly represents the views of the majority of the water using community of the Basin, and it is lamentable that those who structured the compromise did so without its participation.

While skeptical of the real merits of even a partial designation, the Association realizes that matters have probably now progressed to the point where some designation will be considered by the Congress. Reluctantly accepting this fact, we would nonetheless like to at least preserve the viability of a unique and useful reservoir located high in the mountains, and designated as Trap Lake II. This could be done by excluding the

Trap Lake II Reservoir from the effect of the act, as was proposed in an original compromise that was worked out last year, but which somehow disappeared in the political labyrinth. Reservation of that site from the effects of the Wild and Scenic bill would actually be helpful, rather than harmful, to the values which the Wild and Scenic bill would be designed to protect. All of this is discussed at some length in the letter from our counsel, Ward Fischer, to Senator Armstrong and Congressman Brown, dated November 21, 1985, enclosed.

Enclosed also is proposed language which could be offered as an amendment to the existing bill. Based on their understanding that the present bill had been accepted by all groups, it may or may not be that Senator Armstrong and Congressman Brown have so committed themselves that they could feel comfortable in offering such an amendment. If one of them does not, I was hoping that some other member of one of the committees could do so. I am therefore sending a similar letter to all members of your committee.

We seek your help, realizing that our plight does not concern any of your close constituents, but in the real belief that what we propose is in the best interest of this state and of the nation.

Yours truly,

Robert Stieben

Robert Stieben, President

RS:nw
Enc.

whf10b

FISCHER, BROWN, HUDDLESON AND GUNN
ATTORNEYS AT LAW

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TELEPHONE
303/482-1056

November 21, 1985

Senator William Armstrong
528 Hart Senate Office Building
Washington, D.C. 20510

Congressman Hank Brown
1510 Longworth House Office Building
Washington, D.C. 20515

Dear Senator Armstrong and Congressman Brown:

The Cache La Poudre Water Users Association has asked that I follow up on their recent communications with you concerning the effects of wild and scenic designation of the Cache La Poudre River.

First a bit of history: The Cache La Poudre Water Users Association represents, among others, all of the major ditch and reservoir companies of the Cache La Poudre Basin. Collectively, these ditch and reservoir companies use approximately 95% of all of the waters either natural to or imported into this Basin. In a very real sense, then, the Association correctly purports to represent the water users of the Basin.

Last year, a representative of our Association participated in meetings which attempted to arrive at an acceptable compromise which would allow certain portions of the river to be designated as wild, scenic or recreational. You may recall that these negotiations ultimately culminated in an agreement which was reflected in House Resolution 5185 in the second session of the 98th Congress. While designating certain portions of the river as wild, scenic or recreational, that bill (a) allowed for the development on the lower river of some projects sought by the Northern Colorado Water Conservancy District; (b) of even more concern to the water users of the area, it also preserved the ability to develop some reservoir sites on the high mountain tributaries of the Poudre. These included the Trap Lake II Reservoir of the Water Supply and Storage Company, and the Rockwell Reservoir of the Cities of Greeley and Fort Collins.

This local compromise, you will also recall, was rejected at the national level by certain environmental groups; and the compromise effort failed.

At the behest of Congressman Brown, additional efforts were made to arrive at a compromise, but our Association had no representative at the subsequent meetings. As a result of these efforts, it was finally reported to Congressman Brown that an acceptable new compromise had been reached. That compromise is reflected in his present bill, House Resolution No. 3547. His office was told that the agreement was acceptable both to the environmentalist and the water users. This information, unfortunately, was not correct. Certainly it was a compromise acceptable to one water user, the City of Fort Collins, and it was acceptable to the Northern Colorado Water Conservancy District in that it retained their option for a large hydroelectric project on the Lower Poudre. But it never was and is not acceptable to this Association, or to the other 95% of the water users on the Poudre whom they represent.

The views of the Association were expressed in a letter to Congressman Brown dated October 28, 1985. Copies are enclosed. Basically, the Association believes that the structured compromise sacrifices the most feasible, useful, and esthetically desirable reservoir sites on the upper tributaries of the River in order to preserve a very unlikely project on the Lower Poudre.

We realize that our position puts Mr. Brown in a very difficult position. He introduced his bill in good faith, based upon the information that he received; and he is committed to it. On the other hand, in the opinion of the Association, the bill in its present form is not in the best interest of the area. We hope, by working with the two of you, to suggest some means by which the situation can be improved, without causing any embarrassment to anybody.

From a philosophical standpoint, our task is ~~eased~~ by the fact that the City of Fort Collins seems perfectly satisfied with the present bill. While we do not agree with the City's position that a statement of legislative history as to the desirability of the Rockwell site will insure its future development, that is the City's view; and, if they are satisfied, then so are we. We also suspect that it is probably politically unfeasible to suggest that all future potential reservoir sites on the upper tributaries of the Poudre be exempted from the Act's effects. We do nonetheless feel that at least the Trap Lake II Reservoir site, which was preserved in the original compromise to which we consented, might reasonably continue to be preserved.

We believe that the political problems are also eased by the peculiar nature of Trap Lake II. Trap Lake II is a unique reservoir. It is designed not so much for the purpose of capturing flood waters of the Cache La Poudre Basin, but rather to serve as a storage place for waters imported into this Basin from the Colorado River by existing structures of the Water Supply and Storage Company. Attached to this letter is a map. It shows the location of Trap Lake II, located on Trap Creek, a tributary of Joe Wright Creek, which latter Creek is a tributary of the Cache La Poudre River. Joe Wright Creek enters the Poudre at the point which is that start of the recreational designation which continues downstream from that point. The stream above that confluence is designated for "wild" status.

The waters imported by the Grand Ditch have historically increased the flows of the Cache La Poudre River just below Long Draw Reservoir. The Grand Ditch has a very early priority on the Colorado River for a substantial amount of water, and ordinarily contributes approximately 25,000 acre feet of water to the Poudre each year. These flows have always been recognized as enhancing the aesthetic nature of the river throughout its length. Trap Lake II would increase this benefit, in that it would store water, by exchange, during the periods of the highest flows, and release it during the lowest flows, to the benefit of all of those who enjoy the river's flow.

The way the Trap Lake II Reservoir would operate is as follows: water would be brought over via the Grand Ditch and placed in the Cache La Poudre River. Trap Lake II Reservoir would capture waters which would ordinarily flow down Trap Creek, through Joe Wright Creek and into the Cache La Poudre River. The waters placed into that river by the Grand Ditch would exactly equal the amount of waters taken out above Joe Wright Creek. The effect upon the designated portions of the river would be nil, as far as the total flows are concerned. However, the flow regimine would be enhanced in that they would be reduced in the flood stages, when high flows are undesirable, and increased in the low stages, when higher flows are most useful. Thus, I think it can truly be said that the construction and operation of the proposed Trap Lake II Reservoir would truly enhance, rather than diminish, the goals of the wild and scenic designation for the affected portions of the river.

I should point out that there would be rare occasions when Trap Lake II could store under its own priority utilizing waters tributary to the Cache La Poudre. Since it would be the latest priority on the river, it could do this only in times of very high flood waters. Again, as a practical matter, this would enhance the desirability of the river in that it would take flows in flood stages, and release it during times when the river flow is so low that additional waters are useful.

Assuming that you agree that this reservoir site should be protected from the effects of the designation, I would like to explore the means by which this could be done. Several suggestions have been made. The only one that seems to me to have any possibility of real effect is an amendment to the presently pending bill. Other possibilities, such as a statement of legislative intent given during committee hearings, or proper wording in a conference report, do not appear to me to be effective, given the clear statements in the Wild and Scenic Act itself. See particularly 16 U.S.C. Sec. 1278. Having the Secretary of Agriculture agree that the reservoir would have no adverse effect would be a useful approach, but only if the reservoir were built during the term of the present Secretary. This will not happen because the reservoir cannot be considered until the presently pending claim of the Forest Service for stream flow appropriations under the federal reserved rights doctrine is resolved. This claim, pending in our Water Court in Colorado, claims most of the river flows for channel maintenance, with a 1905 or 1917 priority date. While I do not believe that the courts will recognize the claim, Water Supply could not possibly take the chance of building a 3 million dollar reservoir that may never be allowed to operate, and therefore must wait until the case is finally resolved. I do not believe that the present Secretary could bind his successors on the question of adverse effect.

We would therefore like to specifically exclude Trap Lake II Reservoir from the effect of the Act, as was proposed in last years bill. I realize that Congressman Brown is in a position where he can not avoid his commitment to the present bill by offering such an amendment, but I was hoping that Senator Armstrong might be able to do so. Proposed language to this effect is enclosed, replacing Section 2 of House Resolution 3547. The new language that I propose is underlined; the balance of the language is contained in the present bill. While I was working on this, I did redraft the first portion of Section 2 because I thought that it was technically incorrect. One does not "exercise" decreed water rights. Rather he exercises his right to divert or store waters decreed to his structure. The balance of my changes goes directly to the Trap Lake II matter.

I would appreciate learning whether the two of you believe that it would be possible to introduce and support this amendment, based upon the analysis that it enhances the purpose of the designation. If you do not feel that either of you could move the amendment, would it be proper for me to seek the support of members of the subcommittees which are considering the bill? Would such action be proper in any event, in view of the political efforts being made by proponents of the present bill, as exemplified in the enclosed clipping?

Yours truly,

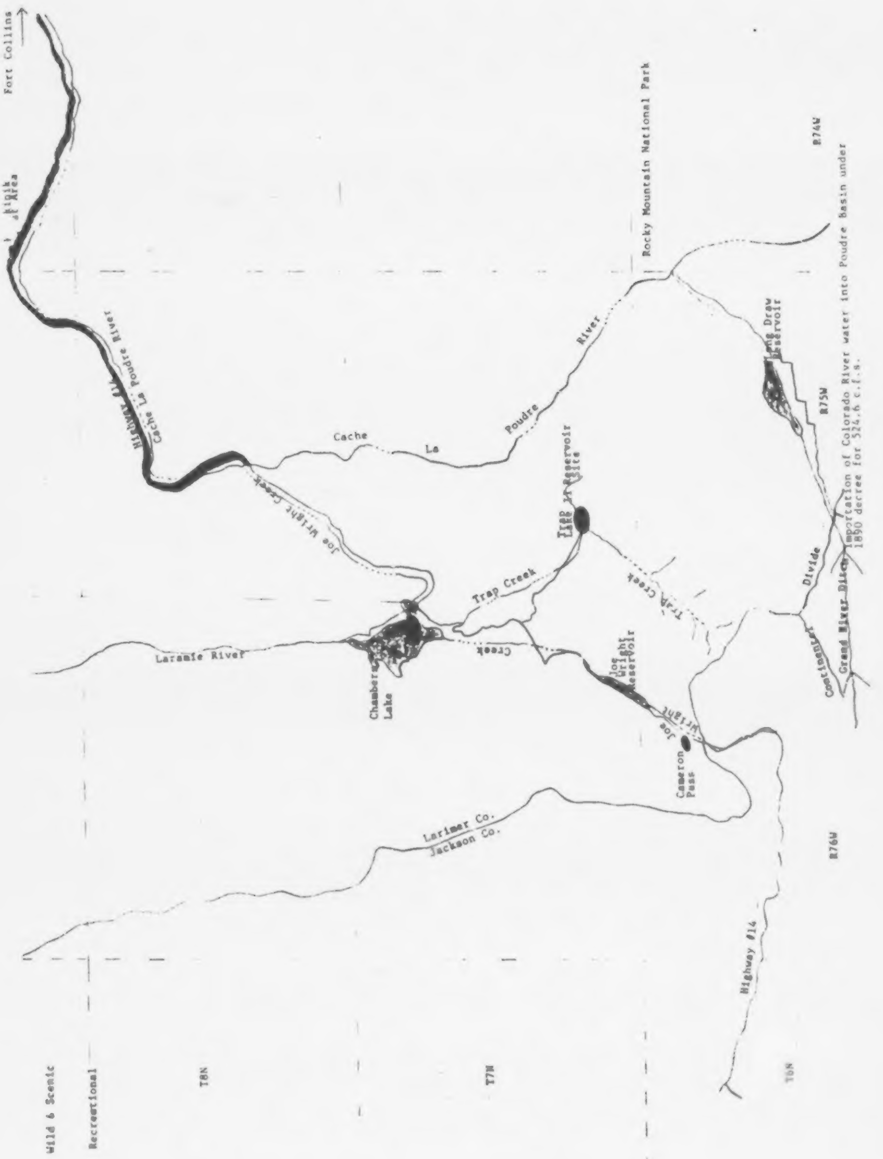
FISCHER, BROWN, HUDDLESON & GUNN

Ward H. Fischer

WHF:cs
Enc.

SEC. 2. SAVINGS PROVISIONS.

Inclusion of the designated portions of the Cache La Poudre River in the Wild and Scenic Rivers system under section 1 of this Act shall not interfere with the continued management, operation and use of any water storage, conveyance, or diversion structures, including importation ditches, that exist as of the date of enactment of this Act, nor to affect the capture or use of waters decreed to those structures. Further, Congress finds that the construction and use of the proposed Trap Lake II Reservoir of the Water Supply and Storage Company, to be located on Trap Creek, will enhance rather than diminish the scenic and recreational purposes intended by this designation of portions of the Cache La Poudre River; and, therefore, inclusion of the designated portions of the Cache La Poudre River in the Wild and Scenic Rivers system shall not be utilized in any Federal proceeding, whether concerning a license, permit, right-of-way, or other Federal action, as a reason or basis to prohibit the construction, development, use or operation of said proposed Trap Lake II Reservoir. Nor shall inclusion of the designated portions of the Cache La Poudre River in the Wild and Scenic Rivers system be utilized in any Federal proceeding, whether concerning a license, permit, right-of-way, or other Federal action, as a reason or basis to prohibit the development or operation of any water impoundments, diversion facilities, and hydroelectric power and transmission facilities below Poudre Park located entirely downstream from and potentially affecting designated portions of the Cache La Poudre River, or relocation of Highway 14 to any point east of the north-south 1/2 section line of Section 2, Township 8 North, Range 71 West of the 6th P.M., as necessary to provide access to Poudre Park around such facilities; provided due consideration shall be given to reasonable measures for minimizing the impact of such facilities and road relocation on the designated segments. Congress finds that development of water impoundments, diversion facilities, and hydroelectric power and transmission facilities located entirely downstream from the designated portions of the Cache La Poudre River below Poudre Park, in accordance with the provisions of this section, is not incompatible with the designation of portions of the Cache La Poudre River in the Wild and Scenic Rivers system under section 1 of this Act. The reservation of water established by the inclusion of portions of the Cache La Poudre River in the Wild and Scenic Rivers system shall be subject to the provisions of this Act, shall be adjudicated in Colorado Water Court, and shall have a priority date as of the date of enactment of this Act.


Fort Collins
Picnic Area
Highway #14
Cache La Poudre River
Rocky Mountain National Park
R74W
Long Draw Reservoir
R75W
Importation of Colorado River water into Poudre Basin under 1890 decree for 524.6 c.f.s.
Cache
La
Poudre
River
Trap Lake Reservoir Site
Joe Wright Creek
Trap Creek
Trap Creek
Divide
Continental
Grand River Ditch
Laramie River
Chambers Lake
Creek
Joe Wright Reservoir
Joe Wright
Cameron Pass
Larimer Co.
Jackson Co.
R76W
Highway #14
T8N
T7N
T6N
Wild & Scenic
Recreational

DAVIS, GRAHAM & STUBBS
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TELEPHONE 303-694-4464

GREGORY J. HOBBS, JR.
892-7342

February 20, 1986

✓Honorable Malcolm Wallop
Chairman
Subcommittee on Public Lands,
Reserved Water and Resource
Conservation
Senate of the United States
Washington, D.C.

Honorable Bruce Vento
Chairman
Subcommittee on National Parks
and Recreation
House of Representatives of the
United States
Washington, D.C.

Re: S. 1819, H.R. 3547, Poudre Wild and Scenic River Bills

Dear Chairmen Wallop and Vento:

I have just received a copy of a letter of the Cache la Poudre Water Users Association to members of Congress concerning the above bills. The letter suggests that Congressman Hank Brown and the Congress had been misinformed about water-user support for H.R. 3547 and S. 1819 and that the Cache la Poudre Water Users Association was not aware of the negotiation effort or the result thereof which led to these bills. In particular, the letter states that "the Cache la Poudre Water Users Association, and its members, were not consulted during this compromise."

I was a member of the negotiating team and know from personal knowledge that these assertions are not true.

In fact, on Monday morning, October 7, 1985, in the midst of negotiations with the environmental interests, I personally called Mr. Ward Fischer, counsel to the Cache la Poudre Water Users Association, and reported to him that we were unable to obtain agreement from the environmental community for an exclusion for the Trap Lake II project and that we were proceeding to finalize the compromise for introduction by Congressman Brown. I owed such a report to Mr. Fischer because the Cache la Poudre Water Users Association knew of and supported Mr. Larry Simpson's appointment as the primary spokesman for the entire water-user community in the Poudre Basin. Indeed, it was Mr. Simpson who asked me to call Mr. Fischer to convey our inability to obtain agreement on excluding the Trap Lake II project.

Mr. Fischer told me that he was disappointed that we could not get the exclusion and that he would "proceed separately" to try to convince Congressman Brown and other members of the Congress to exclude the project from any effect of Wild and Scenic River designation.

On the afternoon of October 7, 1985, I reported to Congressman Brown by phone that the negotiating committee had been able to reach a compromise but that Mr. Fischer still wanted exclusion of Trap Lake II. I did not call Mr. Fischer back to report the conclusion of negotiations because I believed it unnecessary in view of our conversation of the morning that we could not get exclusion of the Trap Lake II project.

It was thus up to Congressman Brown to determine whether to proceed. Mr. Brown accepted the compromise fashioned by the negotiating committee and held a press conference on October 11, 1985, announcing his introduction of H.R. 3547 which mirrored the result reached by the environmental and water-user negotiations. The compromise was widely heralded by Colorado newspapers, as shown by the October 12 articles, enclosed.

Mr. Fischer wrote me a letter dated October 11, copy enclosed, referencing our phone conversation of October 7 and asking that I advise him of the outcome of the negotiations. I responded on October 14, copy enclosed, again telling him that we could not get agreement on the exclusion he sought but that we had obtained other substantial concessions from the environmental community, in particular, protection for the Long Draw and Joe Wright enlargements, which are projects of other clients of Mr. Fischer. During the October 7 phone call, Mr. Fischer and I had discussed getting protection for these projects and for existing projects on the River. We were successful in doing this, and I was delighted to tell Mr. Fischer that we had been successful on all but the Trap Lake II issue.

On October 31, 1985, Mr. Simpson and I appeared before Chairman Vento's committee on behalf of the water-user interests of the Poudre Basin. This hearing was well publicized in advance in Colorado newspapers, particularly in northern Colorado. Mr. Fischer and the Cache la Poudre Water Users Association did not appear at the hearing or submit any letter or statement, to my knowledge. Mr. Simpson and I concluded that Mr. Fischer had decided to accept the outcome of the negotiation process, despite his earlier statement to me that he would approach Mr. Brown and the Congress "separately."

The hearing before Mr. Vento's subcommittee was also widely reported in the Colorado press with much joy, relief and accolades all around. A copy of the November 1, 1985, article of the Denver Post is enclosed.

Moreover, key members of the Cache la Poudre Water Users Association, including the cities of Fort Collins and Greeley, passed well-publicized resolutions which were submitted into the record of Mr. Vento's subcommittee hearings. I enclose copies of those resolutions.

The recent letter of the Cache la Poudre Water Users Association to Congress is a shock in view of all those facts. The letter is particularly unnerving to me in view of my personal effort to apprise Mr. Fischer of the situation in the negotiations, as shown by the attached correspondence.

I hope the Congress will proceed to enact S. 1819 and H.R. 3547 as introduced by Senator Armstrong and Congressman Brown and that this belated effort to question the compromise will not alter the conclusion that these are good bills worthy of becoming law in their present form.

Sincerely,

Gregory J. Hobbs, Jr.

GJH:mb
Enclosures

ccs: Congressman Brown
Senator Armstrong
Senator Hart
Congresswoman Schroeder
Congressman Wirth
Congressman Schaeffer
Congressman Strang
Congressman Kramer
Cache la Poudre Water Users Association
Mr. Ward Fischer

FISCHER, BROWN, HUDDLESON AND GUNN
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FORT COLLINS, COLORADO 80521

WARD H FISCHER
WILLIAM H BROWN
CHAS R HUDDLESON
WILLIAM C GUNN
STEVEN B RAY
DAVID E DWYER
JAMES E RINGENBERG
T THOMAS METIER
WILLIAM R FISCHER
LUKE R SANTANGELO

MAILING ADDRESS
POST OFFICE DRAWER J
FORT COLLINS, CO 80522

TELEPHONE
303/482-1056

October 11, 1985

Mr. Greg Hobbs
Davis, Graham & Stubbs
2600 Colorado National Building
370 - 17th Street, #4700
Denver, CO 80202

Dear Greg:

My son gave me the enclosed Record of Decision of the Secretary of Agriculture, concerning his recommendation for wild and scenic river designation of the Cache La Poudre River. I am not sure just how this recommendation relates to the compromise that you are attempting to structure for the benefit of Hank Brown.

As I mentioned, I am very interested in doing everything possible to protect the conditional decree for the Trap Lake II Reservoir of the Water Supply & Storage Co. For that reason, I would very much appreciate your advising me as to any ultimate compromise which is reached by the groups with which you are working so that I can review its possible effect upon that reservoir. Thank you.

Yours truly,

Ward H. Fischer

WHF:st
Enc.

cc: Harvey Johnson (Enc.)

whf19

cc: Council
Roger Krempel

OCT 03 1985
CITY MANAGER

cc: Bill Carnahan
Mike Smith
Dennis Bode
Natural Resources
Advisory Board

Secretary of Agriculture

RECORD OF DECISION

Cache la Poudre Wild and Scenic River Study Report and Final Environmental Impact Statement and Addendum Report; Larimer County, Colorado.

Based on the analysis documented in the Study Report and Final Environmental Impact Statement and the associated Addendum Report for the Cache la Poudre Wild and Scenic River, it is my decision to recommend for inclusion in the National Wild and Scenic Rivers System 62 miles of the Cache la Poudre River system in Colorado as shown in Alternative F.

The study of the Cache la Poudre River found that the entire 83-mile study river system meets the criteria for inclusion in the National Wild and Scenic Rivers System. Of this total, 62 miles are recommended for designation. This includes 41 of the 62 miles of the main stem from the Roosevelt National Forest boundary to the source at Poudre Lake, and the entire 21-mile length of the South Fork with the exception of 1.3 miles near the Rockwell Dam site.

The proposal for designation of the Cache la Poudre River has no apparent conflicts with the programs of other Federal agencies. The 18,240 acres within the river corridor recommended for designation include 12,640 acres of the Roosevelt National Forest, 4,120 acres of the Rocky Mountain National Park, 520 acres owned by the State of Colorado, 400 acres owned by the City of Fort Collins, and 560 acres of private lands.

Designation to the National System would require an estimated $500,000 for development costs, $63,000 for easements and rights-of-way, and $722,000 for operation and maintenance of facilities. No land acquisition is anticipated.

This recommendation is based on the Study and Report as directed by the Wild and Scenic Rivers Act (82 Stat. 906 as amended; 16 U.S.C. 1271-1287). The detailed study of the river was conducted by the Forest Service in cooperation with other Federal agencies. The Final Environmental Impact Statement and Study Report has been through the 90-day review required by Section 4(b) of the Wild and Scenic Rivers Act and the public review required by Section 102 of the National Environmental Policy Act of 1969. The comments received during the review are a part of the Report. The Addendum updates the Final Environmental Impact Statement and Study Report and provides analysis not available when the FEIS and Study Report were printed.

Other alternatives considered included: (A) designation of 83 miles of river corridor to the National Wild and Scenic Rivers System, (B) designation of 39 miles of the river corridor, (C) no action (continuation of current multiple-use management as specified in the Forest Plan), (D) development of potential water and hydropower facilities with no designation to the National Wild and Scenic Rivers System, and (G) development of potential water and hydropower facilities and designation of 56 miles.

The segments recommended for designation possess no feasible water development sites. The effects of designation on timber and agricultural resources would be negligible. Potential oil and gas production would not be affected. Approximately 34 miles of the river corridor recommended for designation is in National Park or National Forest designated wilderness areas. Alternative F itself provides the mitigation to avoid environmental harm.

The natural, scenic, and recreational qualities of the Cache la Poudre River are unique and irreplaceable resources. We conclude that the best use of the proposed river segments and the immediate environment would be served by designation as a component of the National Wild and Scenic Rivers System.

Alternatives A and F are environmentally preferable.

Twenty-one miles of the main stem of the Cache la Poudre River are not recommended for Wild and Scenic River designation. Predominance of private ownership and potential for future water resource development have prompted this decision.

John R Block
JOHN R. BLOCK
Secretary of Agriculture
U. S. Department of Agriculture
Washington, D.C. 20013

9/9/85
Date

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GREGORY J. HOBBS, JR.
892-7362

October 14, 1985

Mr. Ward H. Fischer
11th Floor, First Tower
215 West Oak Street
Fort Collins, CO 80521

Dear Ward:

Thank you for your letter. Enclosed is Hank Brown's press release with a copy of the Bill. Please notice that existing decreed rights for water that has been stored or diverted utilizing existing structures are exempted from operation of the Wild and Scenic River designation. No such protection exists for structures which have not yet been built. This means that the Forest Service could take into account the impact on the downstream Wild and Scenic River from development on an undesignated tributary.

Trap Creek is not designated as a Wild and Scenic River segment. Theoretically, therefore, a storage project could proceed on Trap Creek. However, the Act and the Forest Service regulations plainly allow the Forest Service to condition or deny a permit for a facility outside of a designated segment which could impact a designated segment. Copies of the statutes and regulations in this regard are attached. I'm sure you are already familiar with them.

The only way to escape the Forest Service looking at the impact on a designated segment is not to have designation at all or to exempt future projects from operation of the designation. We bogged down on precisely this issue last year when we tried to exempt Rockwell, Trap Lake II, Idlywilde and Indian Meadows from operation of the Wild and Scenic River designation.

I believe the language of the Bill protects the Long Draw and Joe Wright enlargements, since water has already been diverted into those enlargements.

Best regards.

Sincerely,

Gregory J. Hobbs, Jr.

GJH:mb
Enclosures

HANK BROWN
4TH DISTRICT, COLORADO

EMBARGOED UNTIL 8 A.M. MDT, 10/11/85   CONTACT: J. KASSIDAY, 202/225-4676

BROWN ANNOUNCES POUDRE RIVER COMPROMISE

LOVELAND, CO -- U.S. Rep. Hank Brown, R-CO, announced today he introduced legislation last night to designate 75 miles of the Cache La Poudre River as Colorado's first wild and scenic river.

Brown, who represents eastern Colorado in Congress, made the announcement at a Friday morning press conference at the Northern Colorado Water Conservancy District.

"This legislation is the result of long negotiations between the northern Colorado water community and local and national environmental groups," Brown said. "It represents the best spirit of compromise in terms of the long-term interests of all of northern Colorado. The individuals involved should be proud of their contribution to our future."

Starting at the river's source at Poudre Lake in Rocky Mountain National Park, Brown's bill would preserve the river through the town of Poudre Park. Thirty-one miles of the river would be designated as "wild" and 44 miles as "recreational." The legislation makes clear that nothing in the act would affect existing water rights on the river or preclude a future water storage project downstream of designated portions of the river.

The bill also includes authorization for land acquisition from willing sellers along the designated portions of the river. Private property rights are protected by the bill and acquisitions of public rights-of-way and scenic easements will occur only where necessary and only when owners wish to sell.

"If passed, this bill would be a historic first for Colorado," Brown said. "It preserves a unique, scenic river canyon while keeping open future water storage options so vital to the region."

(MORE)

Poudre River
2-2-2-2-2

Beginning at the continental divide, the Poudre River flows east across the Colorado plains to join the South Platte River. Named by early French explorers who buried a cache of gunpowder along its banks, the Cache La Poudre Canyon is the longest scenic river canyon on the entire eastern slope of the Rockies.

The Poudre is one of 12 Colorado rivers authorized for federal study through legislation sponsored by the late Sen. Peter Dominick of Colorado in 1973. Brown's bill labels the first 18 miles of the river as the "Peter H. Dominick Wild River Area."

The U.S. Forest Service began its study of the Poudre in 1977, resulting last April in a recommendation to Congress to designate 62 miles of the 83 miles of the river studied by the Forest Service.

Rivers designated as part of the National Wild and Scenic River System are classified as "wild," "scenic" or "recreational."

"Wild" rivers are defined as free of impoundments and generally inaccessible except by trail, with essentially primitive watersheds and shorelines and unpolluted waters. "Scenic" designation is similar, except that watersheds and shorelines may be accessible in places by roads. "Recreational," the least restrictive designation, applies to rivers that are readily accessible and which may have shoreline development and may have some impoundments and diversions.

###

HB-99-1-21

Cache La Poudre scenic listing urged

DENVER POST 10-12-85

By The Associated Press

LOVELAND — Rep. Hank Brown, R-Colo., has introduced legislation to designate 75 miles of the Cache La Poudre River as Colorado's first wild and scenic river, he said Friday.

The Cache La Poudre Canyon is the longest scenic river canyon on the Rockies' Eastern Slope, which Brown represents in Congress.

Brown announced the legislation at a news conference at the offices of the Northern Colorado Water Conservancy District. He noted that the bill he introduced Thursday was the result of long negotiations between state and national environmental groups and "the northern Colorado water community."

"It represents the best spirit of compromise in terms of the long-term interest of all of northern Colorado," Brown said. "It preserves a unique, scenic river canyon while keeping open future water storage options so vital to the region."

Beginning at the river's source at Poudre Lake in Rocky Mountain National Park, Brown's bill would preserve the river through the town of Poudre Park. Thirty-one miles of the river would be designated as "wild" and 44 miles as "recreational."

Nothing in the act would affect existing water rights on the river or preclude a future water-storage project downstream of designated portions of the river, Brown said.

The bill also authorizes land acquisition from willing sellers along the designated portions of the river.

Revised Cache La Poudre bill gains environmental support

10-12

By JOHN C. ENSSLIN
Rocky Mountain News Northern Bureau

LOVELAND — A bill to designate 75 miles of the Cache La Poudre River as "wild and scenic" has the support from water users and environmentalists that it lacked last year, Rep. Hank Brown, R-Colo., said Friday.

Rep. Hank Brown

The compromise proposal would also leave open 7½ miles of the river for water storage and hydroelectric projects.

"It's clearly a victory for both sides," Brown said in a telephone press conference from his Washington office. "Both come out, I think, in a better situation than they were in before."

The Cache La Poudre flows east across the Colorado plains to join the South Platte and was named by early settlers who buried a cache of gunpowder along its banks.

The congressman, who is from Greeley, said he was optimistic that the measure could be passed by the end of this year. He said a subcommittee hearing on the bill is set for Oct. 31.

Beginning at the river's source at Poudre Lake in Rocky Mountain National Park, Brown's bill would preserve as wild area 31 miles of the river's two forks through the town of Poudre Park. Forty-four miles of mostly downstream portions would be designated as "recreational."

Wild river areas are protected from water storage projects and are usually inaccessible except by hiking trails.

A recreational river is a less restrictive designation that applies to rivers with road access, shoreline development and some water storage and diversion.

A similar measure introduced by Brown last year foundered in a House committee after Sierra Club officials withheld support.

Tim Johnson, a Sierra Club representative, said the compromise version eliminated the proposed Indian Meadows reservoir and was acceptable to the environmental group.

The reservoir, planned for a pristine, upstream area near Rustic, would have required a road to be rerouted through a wilderness area.

"I think the simple thing to say is that we all agree on this bill. That's the difference between this year and last year," Johnson said.

Both sides said they made major concessions during the six months of negotiations on the bill.

Larry Simpson, manager of the Northern Colorado Water Conservancy District, said the compromise will increase the costs of any future water projects along the Poudre.

"We could have built a better and cheaper dam upstream in some of the narrower reaches of the canyon," Simpson said.

The district has not applied to build any dams on the Poudre, but it does have long range plans to divert downstream water for the Glade and Grey Mountain reservoirs.

Brown's bill also would authorize acquisition of land and right-of-ways along the river from willing private sellers.

Funds for the purchase of private land would come from the Land and Water Conservation Trust Fund and would require separate legislation, Brown said.

The bill changes no existing water rights on the river and does not authorize any condemnation procedure to acquire land along the river corridor.

It would also name the first 18 miles of the river as the "Peter H. Dominick Wild River Area" after the late Colorado senator who sponsored a 1973 bill authorizing federal study of 12 Colorado rivers, including the Poudre.

If the bill is passed, the Poudre would be the first "wild and scenic" river to be designated in Colorado.

Appendix H

City of Greeley

Office of the Mayor

GREELEY CIVIC CENTER, GREELEY, COLORADO 80631 (303) 353-6123

October 24, 1985

Honorable Hank Brown
U.S. House of Representatives
1510 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Brown:

It is our understanding that the 99th Congress, First Session will be scheduling a hearing on HR 3547, the Cache la Poudre River Wild and Scenic Designation Bill. We support the efforts of those who want to preserve the environmental values and those who want to develop the potential water sites at reaching compromise language which now is your proposed Bill.

This letter serves as an endorsement of HR 3547, and we hope that this can be entered into the record during the hearings. We feel that the compromise proposal finally reached after years of negotiation is the best solution to the controversy which has surrounded your attempts at designation. The proposed Bill is a true compromise in that it saves 75 of the river's 83 miles for designation while leaving open two potential water storage sites, including those sites necessary for the prospective Cache la Poudre Project. Both sides should be commended for their perseverance in reaching this compromise.

It is the City of Greeley's intent, then, to endorse this Cache la Poudre River Wild and Scenic Bill which you have proposed.

Sincerely,

Mike Lehan

Mike Lehan
Mayor

ML/ld

Appendix I

RESOLUTION 85-197
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ENDORSING H.R. 3547 DESIGNATING PORTIONS OF
THE CACHE LA POUDRE RIVER AS WILD AND SCENIC
AND APPROVING OTHER PORTIONS FOR STUDY FOR
POTENTIAL DESIGNATION AS A NATIONAL RECREATION AREA.

WHEREAS, on November 1, 1983, the City Council passed Resolution 83-189 which supported possible designation of portions of the Poudre River as wild and scenic; and

WHEREAS, on November 18, 1983, the City Council agreed to appoint a representative member to the Advisory Panel to Congressman Brown on the Poudre River Wild and Scenic River Designation to consider various designation options; and

WHEREAS, on April 3, 1984, the City Council passed Resolution 84-65 endorsing portions of the Poudre River as wild, scenic, or recreational; and

WHEREAS, in May of 1984, then Mayor Horak testified before a Congressional Subcommittee on Public Land and National Parks hearing on H.R. 5185, in support of designating sections of the Cache La Poudre as wild, scenic, or recreational; and

WHEREAS, on September 19, 1985, Mayor Rutstein testified at a U.S. Congress Hearing in support of H.R. 566, which would authorize a study of a segment of the Poudre River for possible designation as a National Recreation Area; and

WHEREAS, the Council believes that a compromise has been reached between the northern Colorado Water community and local and national environmental groups in preserving the unique, scenic river canyon portions of the River while keeping open future water storage options; and

WHEREAS, Congressman Hank Brown has introduced H.R. 3547 for passage by the Congress which would designate 75 miles of the Poudre River as Wild and Recreational River and 18.5 miles of River for study as potential designation as a National Recreational Area; and

WHEREAS, H.R. 3547 leaves the segment of the South Fork of the Poudre River from a point in Section 1, Township 7 North, Range 73 West of the 6th P.M at elevation 8050 feet above sea level to the easterly section line of Section 30, Township 8 North, Range 72 West of the 6th P.M undesignated under the Wild and Scenic Act for the purpose of allowing the City of Fort Collins to construct a water storage reservoir known as the Rockwell Reservoir for which the City has a conditional water storage decree; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE COLLINS, that the City Council endorses and urges passage of House Bill 3547 designating portions of the Poudre River as wild and recreational and approving other portions for study for potential designation as a National Recreational Area.

Passed and adopted at an adjourned meeting of the City Council held this 22nd day of October, A.D. 1985

Mayor

ATTEST:
Wanda M. Krajicek
City Clerk

The Denver Post/Friday, November 1, 1985

Compromise on the Poudre

Environmentalists, water users endorse wild river proposal

By Ann Schmidt
Denver Post Washington Bureau

WASHINGTON — Environmentalists and water users — mad enough to spit at each more than 1½ years ago — endorsed a bill Thursday that would add portions of the Cache La Poudre to the nation's wild and scenic river system.

Both sides want Congress to add 75 miles of the river, which flows through the city of Fort Collins before it joins the Platte River near Greeley, to either the national recreation area system or the wild and scenic river system.

If the measure sponsored by Greeley Republican Hank Brown is approved, the Poudre will be the first wild and scenic river in Colorado and the first on the eastern slope of the Rocky Mountains to receive such designation.

As with designated wilderness areas, wild rivers are free of impoundments and generally inaccessible except by trail. The Brown bill designates 31 miles as wild, 44 as recreational.

The hard-won proposal reflects concessions made by both sides and designates a greater portion of the river than did the earlier proposal which called for 64 miles.

Water users gave up on proposed reservoir sites on the main stream, [illegible] Hobbs, [illegible] consent to the Northern Colorado Water Conservancy District, [illegible]

"[illegible] environmentalists agreed not to oppose water and power development below the designated [illegible] as long as such development doesn't [illegible] the protected [illegible]

"I don't like to call this a compromise," commented Fort Collins City Councilman Gerry Horak.

"That suggests somebody gave something up. Instead, we all gained."

Maggie Fox, Sierra Club representative, said her organization joined in "enthusiastic support" of Brown's bill.

By preserving all existing water rights, the bill also addresses an issue that is helping to hold up a Colorado wilderness bill this year.

The last time the water users and environmentalists met on the issue was in March 1984 on a "compromise" proposal presented to the House subcommittee on National Parks and recreation.

Although put together by a citizens advisory panel representing both sides of the issue, that bill fell apart when national environmental organizations objected to some of the provisions.

Brown's bill unites sides.

TESTIMONY OF DAVID H. GETCHES

Before the Public Lands, Reserved Water and Resource Conservation Subcommittee of the Senate Energy and Natural Resources Committee

February 21, 1986
S. 1819

Chairman Wallop and members of the Committee, I am David H. Getches, Executive Director of the Colorado Department of Natural Resources. Thank you for the opportunity to present testimony on S. 1819, a bill to provide wild and scenic designation of the Cache la Poudre River. I present this testimony on behalf of the State of Colorado, Governor Richard D. Lamm and all state agencies.

It is with great pleasure that I present testimony in support of S. 1819 cosponsored by the entire Colorado delegation. This bill is the result of the strong commitment and many long hours of intensive work by a number of very dedicated individuals. Through their efforts we have, for the first time, a consensus bill designating sections of the Cache la Poudre River as wild and scenic -- a bill that deserves our fullest support and deepest gratitude.

The Cache la Poudre River represents a tremendous resource in our state. Located on the front range of the Colorado Rockies, it provides superb scenery as it winds its 83 mile course from headwaters in Rocky Mountain National Park on the main stem and the Comanche Wilderness on the South Fork, down through Poudre Canyon to the eastern boundary of Roosevelt National Forest. The Poudre is one of the most fished streams in Colorado and the surrounding canyon supports herds of deer, elk and bighorn sheep. Visitors are drawn to the canyon to picnic, camp and hike amidst outstanding scenery and the river is heavily used by rafters and kayakers drawn to its whitewater.

The Poudre River has been the subject of intensive study and debate for many years. The Wild and Scenic River Study was initiated by the U.S. Forest Service in 1976 with a draft report issued in the spring of 1980. In 1981 the Colorado Water Conservation Board Cache la Poudre Study, authorized by the Colorado General Assembly, investigated potential water development projects on the river. And finally, in 1985 the Addendum to the Final Wild and Scenic Study Report was released with recommendations for all eight segments of the river. While the U.S. Forest Service recommendations differed in some areas from those in S. 1819, those differences are responsibly resolved in S. 1819 by 1) providing a settlement on water development issues, and 2) recommending a continuous stretch of the river for designation, designed to maximize public use and enjoyment as well as the type of management and protection mandated by the Act.

The Colorado Department of Natural Resources has a stake in the future of the Poudre River and a role to play in its future management. The Colorado Division of Parks has taken an initiative to gather people from the environmental community, water providers, state and local officials and private landowners to coordinate improved recreation management on the Poudre below the portion proposed for wild and scenic designation. The State Land Board has property holdings located within the proposed wild and scenic corridor. The Board of Commissioners has expressed a willingness to work with the US Forest Service to negotiate an equitable exchange of those lands necessary to preserve the corridor under wild and scenic designation. The Colorado Water Conservation Board has expressed their caution that wild and scenic designations be conducted on a case by case basis as is being done for the Poudre and that the reservations of water be expressly limited to the act designating the river for inclusion.

With these considerations in mind, it is now time to take final action. Because of the fine effort undertaken by our Congressional delegation, water users and environmental interests, we can now move in accord toward designating 75 miles of the river to preserve the remarkable scenic, recreational and fish and wildlife values of the river.

S. 1819 is a fine example of what we can achieve by working together. I urge congressional action on this bill and look forward to the designation of the Cache la Poudre as Colorado's first wild and scenic river, perhaps the only wild and scenic river that will be designated east of our Continental Divide.

STATE OF COLORADO

BOARD OF LAND COMMISSIONERS
620 Centennial Building
1313 Sherman St., Denver, Colorado 80203
(303) 866-3454

Department of Natural Resources

Commissioners
ROWENA ROGERS
TOMMY NEAL
JOHN S. WILKES III

February 20, 1986

The Honorable Malcolm Wallop, Chairman
Subcommittee of Public Lands, Reserved Water
& Resource Conservation
Senate Dirkson Office Building
Washington, D.C. 20510

Dear Senator Wallop:

On February 11, it was called to the attention of the Colorado Board of Land Commissioners that we held properties within the Cache La Poudre proposed wild, scenic and recreational corridor. We discussed with Gregg Hobbs and later with Representative Hank Brown the possibility of exchanging these lands with the U. S. Forest Service to our mutual benefit.

The commissioners are amenable to an equitable exchange. However, our experience with the Federal land management agencies is that exchanges are very hard to consummate. The Bureau of Land Management and U. S. Forest Service are reluctant to acknowledge that State Trust Lands serve the public interest, and they frequently have the advantage of being able to control the use of State land inholdings. In a potential exchange we certainly would have to be assured of equitable treatment of the school trust interest.

This means that equal value would not be the sole criterion for the Land Board's exchange selection. The U. S. Forest Service would be getting lands for which it had a particular need, and the Land Board will want lands which will be of particular benefit to the schools.

The minerals involved in the potential exchange create an additional problem. The granitic materials have known vanadium, uranium, and beryl potential. Valuation of minerals is very difficult, but there are similar occurrences within the U. S. Forest Service holdings which would make exchange possible.

Obviously, we have not had time to develop an exchange proposal nor will we be able to do so in the near future. However, we are agreeable to negotiating an exchange which will be beneficial to the schools of Colorado.

Sincerely,

Rowena Rogers

Rowena Rogers, President
State Board of Land Commissioners

RER:mlp
Enclosures

ANTHONY SABATINI
Administrator

THOMAS E. BRETZ
Minerals Director

ROBERT HAPGOOD
Deputy Register

STATE OF COLORADO

BOARD OF LAND COMMISSIONERS
620 Centennial Building
1313 Sherman St., Denver, Colorado 80203
(303) 866-3454

Department of Natural Resources

1876

Commissioners
ROWENA ROGERS
TOMMY NEAL
JOHN S. WILKES III

MEMORANDUM

TO: Commissioners

FROM: T. E. Bretz

DATE: February 19, 1986

RE: North and South Forks, Cache La Poudre
Townships 8 & 9 North, Ranges 70 thru 75 West

A cursory examination of the state geologic map indicates the following: This area is underlaid by granites, schists and gneisses of various compositions. There are various laramide dikes and granitic dikes. There is a laramide dike along the course of the South Fork as well as a system of complicated faults in Ranges 70 thru 73 West. The course of the North Fork is governed by one of these faults which is an east-west trending fault upthrown to the south with the older schists and gneisses up against the younger granites to the north.

In the past, leases have been issued for uranium and vanadium; gold, silver and lead; beryl and associated pegmatitic minerals.

ANTHONY SABATINI
Administrator

THOMAS E. BRETZ
Minerals Director

ROBERT HAPGOOD
Deputy Register

State "School Lands" Impacted
By
Cache La Poudre Wild And Scenic Designation Compromise Proposal

Section	Description	Acres	Township	Range	Surface	Minerals
27	All	640	9N	70W	yes	yes
28	E/2 E/2; E/2 W/2	320	9N	70W	yes	yes
33	E/2 E/2; NW/4	320	9N	70W	yes	yes
	E/2 SW/4	80			no	yes
34	All	640	9N	70W	yes	yes
36	All	640	9N	71W	no	yes
35	E/2; E/2 W/2	480	9N	72W	yes	yes
36	All	640	9N	72W	no	yes
16	W/2 SW/4	80	7N	73W	no	yes
36	All	640	8N	73W	no	yes
36	All	640	9N	73W	no	yes
3	N/2 NW/4	80	8N	74W	no	yes
4	N/2 NE/4	80	8N	74W	CP S-363	yes
34	SE/4 SW/4	40	9N	74W	no	yes
36	* N/2 N/2; * SE/4 NE/4; * SW/4 NE/4; * S/2 NW/4;	200	9N	74W	yes	yes
	* S/2	440	9N	74W	no	yes
36	W/2 NE/4 E/2 NW/4; SW/4 NW/4; N/2 SW/4; SW/4 SW/4	320	9N	75W	no	yes

*State Cache La Poudre Subdivision

2,600	Acres Surface and Minerals
3,600	Acres Minerals Only
80	Acres Certificate of Purchase
6,280	Acres of Impacted Lands

This list of lands prepared from a map in the Citizen's Compromise Proposal and is as accurate as can be determined from that map.

Prepared by: W. J. Killip II
2-19-86

Senator **Wallop**. Thank you. I appreciate your giving me a letter because I had been going to address a question on the basis of the letter that I received from the Cache la Poudre Water Users Association and will not take your time on that now. But I will look through your letter for that.

Let me just ask the panel if it has a problem with the recommendation of the Department of the Interior that those portions of the river, within the Rocky Mountain National Park, remain under the jurisdiction of the park.

He points out that precedent for it was done in connection with the general management planning process in the Alaska National Interest Lands Conservation Act.

Mr. **Simpson**. Speaking on behalf of the water users' side of the compromise, we have no problem whatsoever.

Ms. **Fox**. Nor do we have any problem.

Senator **Wallop**. It does seem to make sense that you would eliminate several administrative jurisdictions on one piece of water.

Mr. **Hobbs**. Senator Wallop, there is an important typographical error, unfortunately, in Senate bill 1819. If I could draw your attention to it. It's on page 2, line 13.

Page 2, line 13. The bill, as introduced, unfortunately reads township 6 north. It should be township 8 north. That is a very serious typo.

Senator **Wallop**. It is only a few miles apart. What the hell. [Laughter.]

Mr. **Hobbs**. This would then conform the bill to the House bill introduced by Congressman Brown. And we have also indicated in the House subcommittee hearings, which were held October 31, that we agree with the Park Service having jurisdiction over that part of the river that is in the park.

Senator **Wallop**. Well, as one who—once in an earlier day when I was stationed at Fort Carson—did to Colorado what Colorado now does to Wyoming. And I used the Cache la Poudre fairly heavily with my fly rod during that time. Not that many people did during that time, and it was—it was a very nice private river for a little lieutenant from Fort Carson.

As I listen to your testimony, Mr. Tierney, it is probably not so private any longer. But it is very beautiful. And the committee will certainly take into account the recommendations of the administration, both the Forest Service and the park and try its best not to amend it.

But as we see there is already agreement on one amendment as to the township and we will try to stay as narrow as that and see to it that your compromise holds together.

Thank you all very much for coming. We appreciate it.

Senator Armstrong has sent word that he will be unable to attend; so there is a statement that he wished to have entered into the record at the appropriate place, as well.

We now have Mr. William Lienesch of the National Parks and Conservation Association.

STATEMENT OF WILLIAM C. LIENESCH, DIRECTOR OF FEDERAL ACTIVITIES, NATIONAL PARKS AND CONSERVATION ASSOCIATION

Mr. LIENESCH. Thank you, Mr. Chairman. My written comments include comments on all of the bills being heard today. And generally we are in favor of all the bills that are being heard. And to save some time, I would just like to mention some comments on three of the bills that you are hearing today.

First of all, with respect to the bills S. 530 and H.R. 1343 on Golden Gate, we are in support of that legislation and in support of the comments made earlier by the Deputy Director with regard to the amendments that they proposed. We believe that these are very good amendments. One, they would stop the limitation on the fee collection, and, two, they would allow fees to be collected at the other ships. And we believe that, along with taking those fees and reinvesting them in the maintenance of ships, makes perfectly good sense.

I might just add that I have visited that area and I have been on the *Balclutha*, and it's a wonderful ship. And it certainly deserves to continue to be maintained and have upkeep and stay in the same shape that it is now.

With regard to H.R. 105, dealing with Washington Square: In the 98th Congress, when that legislation was before the House—and it was much more extensive at that point—we testified against the bill because we did not believe that all of the provisions of adding this area to the park and the development that was proposed to go along with it was a good idea.

When the bill was heard again this year in the House, we suggested—we testified in favor of the bill, but we suggested that it would be good to specifically limit the Park Service's financial responsibility so that they had no responsibility for maintenance or rehabilitation in this area. And, as I understood Senator Specter's testimony this morning, he seemed to be in favor of that.

In our testimony on page 2, there is some language from a bill passed in 1956 dealing with Mikveh Israel Cemetery, as it relates to National Independence Historic Site, and we believe that that language can serve as a guide to make sure that there are no financial burdens placed on the Park Service for the upkeep of this area.

Finally, with regard to H.R. 1390, the El Portal legislation, we are very much in favor of this. We think it is very needed, that it will allow the legislation that really started in 1958 to come to fruition that the problem with the leases, the lack of being able to get financing because of the short leases, can be overcome with this legislation.

We might suggest—one of the things—there are two important things about this legislation. One is that it allows for the leasing for the employees to have homes to have better housing. And the other is that it allows for housing and other facilities to be removed from the valley, which is equally as important. And we recommend, for example, that perhaps in the report or elsewhere that language be there to not push the Park Service, but to reinforce the move of the facilities out of the valleys so that the substandard dwellings and others can be removed from the valley and then we will have better housing in the El Portal site.

That concludes my oral comments, Mr. Chairman. I would be happy to answer questions on any of the legislation.

[The prepared statement of Mr. Lienesch follows:]

STATEMENT OF WILLIAM C. LIENESCH
DIRECTOR OF FEDERAL ACTIVITIES
NATIONAL PARKS AND CONSERVAITON ASSOCIATION

BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS,
RESERVED WATER AND RESOURCE CONSERVATION
U.S. SENATE

FEBRUARY 21, 1986

Mr. Chairman and other distinguished members of the Subcommittee, I am William C. Lienesch representing the National Parks and Conservation Association. I sincerely appreciate the opportunity to appear before the Subcommittee to present NPCA's views on the wide range of park legislation that is the subject of today's hearing.

S. 530 and H.R. 1343 were introduced as identical companion measures for the purpose of authorizing the Golden Gate National Recreation Area to lease drydock AFDL-38 and requiring the Secretary of the Interior to credit those receipts to the maintenance and restoration of the historic ships of the National Maritime Museum. As amended, H.R. 1343 would modify the Golden Gate NRA authorizing legislation by deleting the phrase that restricted the authority to collect admission fees on the sailing vessel Balclutha and authorize the collection of fees to other historic ships of the National Maritime Museum.

NPCA testified in support of H.R. 1343 in the House and recommended that the legislation be amended to provide for the collection of fees at all of the five ships located at the Hyde Street Pier. The National Park Service is responsible for the repair and maintenance of the seven historic ships at the National Maritime Musuem which is estimated at $37 million in restoration costs over the next seven years. Although the proceeds from the drydock, the existing receipts from other properties, and admission fees from the ships will not be sufficient to meet the total needs of these vessels, they will provide some consistent funding from year to year. NPCA would like to see some of the proceeds from the admission fees used to inform the public about the techniques and costs of ship restoration. NPCA supports the enactment of H.R. 1343 as passed by the House.

S. 1766 would dedicate the Cumberland terminus of the Chesapeake and Ohio Canal National Historical Park in Honor of J. Glenn Beall, Sr. We support the enactment of this bill.

National Parks and Conservation Association, 1701 Eighteenth Street, N.W., Washington, D.C. 20009
telephone (202) 265-2717

NPCA also supports the enactment of S. 1819 that would add certain segments of the Cache la Poudre River and the South Fork of the Cache la Poudre River as a component of the National Wild and Scenic River System. The American Rivers Conservation Council will be offering more detailed testimony on this legislation.

H.R. 105 would include Washington Square within Independence National Historical Park and authorize the Secretary of the Interior to enter into a cooperative agreement with the City of Philadelphia to provide technical assistance in preserving and interpreting Washington Square. The text of H.R. 105 represents a change from legislation introduced in the 98th Congress which would have added Washington Square to the park without restriction. We opposed that legislation for two reasons. First, the site is not nationally significant. It was determined to be of state significance when nominated and added to the National Register of Historic Places. There are already 25 nationally significant sites within the National Park System making the American Revolutionary War one of the best represented themes within the System. Secondly, approximately $2.5 million would be required to bring this city-run park up to National Park Service standards, with nearly $200,000 needed ~~annually~~ for operation and maintenance.

In testimony before the House subcommittee, NPCA supported H.R. 105, contingent upon the adoption of an amendment that would preclude the NPS from assuming any costs for rehabilitating or maintaining the Square. The NPS could provide technical assistance in the preservation and interpretation of Washington Square, but the responsibiltiy for the operation and maintenance of the Square would remain with the City of Philadelphia

NPCA recommends that an amendment be added to H.R. 105 to ensure that activities carried out at Washington Square are done without expense to the United States. We suggest that language be drawn from the Act of August 6, 1956 which added the Mikveh Israel Cemetery to Independence NHP. Key provisions in this Act read as follows:

> That upon compliance with the provisions of section 2 of this Act, the Mikveh Israel Cemetery, located in Philadelphia, Pennsylvania, and containing the graves of Haym Salomon and other outstanding patriots of the Revolutionary War who played important parts in the early history of the United States, shall be declared to be a unit of the Independence National Historical Park Provided, That the United States shall not thereby assume any responsibility to provide for the administation, care, or maintenance of said Mikveh Israel Cemetery.
>
> Sec. 2. This Act shall become effective in and when the Mikveh Israel Congregation, through its duly authorized representatives, has executed an agreement in terms and conditions satisfactory to the Secretary of the Interior, providing for the continuing administration, care and maintenance, without expense to the United States, of the Mikveh Israel Cemetery, whereupon said Secretary shall issue a notice declaring that said requirement has been met and that Mikveh Israel Cemetery is formally designated a unit of the Independence National Historical Park.

This provision has worked successfully since 1956 to restrict the use of Federal funds at the Mikveh Israel Cemetery, and yet countless hours of technical assistance have been provided by the National Park Service. We believe that this language would eliminate any misunderstanding about the use of any financial assistance at Washington Square. Further, since Federal funding would be prohibited by this language, the addition of Washington Square into the National Park System would not set a precedent for financially-troubled state, local, or regional parks.

NPCA supports the enactment of H.R. 934. This legislation will go far toward correcting resource degradation associated with soil erosion in the Cuyahoga Valley. Soil erosion is an eyesore and generally reduces the quality of scenic views and vistas. However, important as aesthetic concerns may be, soil erosion can cause many significant resource degradation problems. These problems include loss of wildlife habitat due to vegetation and soil loss, alteration of normal rates and timing of runoff into the river system, increased sediment load of the river system causing accelerated siltation of the river bottom, increased turbidity reducing water clarity and therefore biological productivity, and increased loads of organic matter and nutrients which places an oxygen demand on receiving waters. An aggressive and timely effort to mitigate the potential adverse impacts of soil erosion on public and private lands within the boundaries of Cuyahoga would be consistent both with requirements of the Park Service Organic Act and with the Cuyahoga Valley National Recreation Area authorizing legislation.

H.R. 934 also includes two other very important features. It directs the Secretary to undertake a program of land treatment with the cooperation of several other agencies. The involvement and cooperation of these other agencies will be important to the successful implementation of this legislation. H.R. 934 also requires private landowners to assure that land treatment undertaken on their property will be maintained for a period of not less than ten years. This provision should help assure the long term success of the initial land treatment.

NPCA supports the intent of H.R. 1390, which would make it possible to implement a major decision of the final general management plan (GMP) for Yosemite -- the removal and relocation of NPS and concessioner facilities from Yosemite Valley. Over the 95 year history of Yosemite, extensive development has occurred in the most sensitive and uniquely beautiful portion of the park, the valley. Conservationists, NPS professionals, and the general public became aware in the mid-1970's that this development not only was detracting from the tranquility and aesthetic beauty of the valley, but was not really necessary to the proper functioning of the park. Consequently, a decision was made to relocate a major portion of the valley facilities, including housing and support facilities for park and consession employees, to the El Portal administrative site.

The non-contiguous 1398 acres of the El Portal administrative site were designated by the Congress in 1958 in far-sighted recognition of the need to concentrate park-related development in a location other than Yosemite Valley. Unfortunately, sufficient funds have not been available to carry out the relocation decisions of the Yosemite GMP, and thus to fully utilize the El Portal site. The bill before the Committee today, with some modification, will, if properly implemented, greatly aid this urgently needed relocation of facilities.

In order to maximize the utility of the El Portal site, H.R. 1390 would authorize 99-year leases of property within the site for development of housing and support facilities for park-related purposes. This length of lease apparently is necessary in order to secure fincancing for the construction of houses and other facilities in El Portal. We would recommend, however, that the bill be amended to explicitly limit development and subsequent leasing in El Portal to very specific purposes, and should require that any homeowner who moves or is transferred away from Yosemite be required to sell the house back to the NPS, which will then resell it to another employee. Otherwise, if the house doesn't sell, the transfer might be delayed indefinitely. However, if the NPS is required to buy each property and then resell, the seller will always have a ready buyer, and the incoming employee will have a vacant house to purchase.

Obviously, the implementation of this bill will be something of an experiment for the NPS, since the Service has never done anything like this. The ability of NPS employee to buy a park house and gain equity will be a unique and well-deserved opportunity. Some may argue that having this opportunity at Yosemite discriminates against other NPS employees who do not have this opportunity. However, NPCA views this as an experiment, which may need to be modified or even abolished after experience has been gained with it over a period of years. At this point, we believe that the risks are far out-weighed by the potential benefits, both to the resources of Yosemite National Park, and the NPS and concession employees.

As a further incentive to ensure the ultimate goal of removal of facilities from Yosemite Valley actually occurs, NPCA urges that a provision be added to the present bill which requires that any construction which occurs in El Portal come about only as a one-for-one replacement (or greater) for facilities removed from the valley. In other words, each new house in El Portal should only be built with the explicit provision that one must be removed from the valley. Such provision will ensure that the result of this bill's enactment will not be just construction of new housing, but removal from the valley as well. Without such a provision, the result may be new houses in El Portal and old houses still in the valley. Finally, we urge that all funds collected by NPS from leases granted in El Portal be set aside in a special account for use in administration of the leases and development of needed infrastructure in the administrative site.

NPCA supports the enactment of H.R. 1963 which would amend the 1964 Act establishing the Allegheny Portage Railroad NHS and Johnstown Flood National Memorial to authorize $9.8 million for development at both parks, and would authorize the Secretary of the Interior to enter into an agreement with the Johnstown Flood Museum Association for the purpose of providing technical and financial assistance to the Association to mark, restore, interpret, operate, and maintain the museum.

Passage of this legislation would provide for the development of a visitor's center at the Johnstown site in time for the centennial anniversary of the flood of 1889. Various preservation activities at Allegheny Portage RR could be undertaken, including the stabilization and sheltering of the foundations of the enginehouse.

NPCA supports a cooperative agreement between the NPS and the Museum Association. The museum is located in Johnstown and tells the portion of the flood story dealing with the tragic loss of life and property in Johnstown. It would be a costly duplication for the NPS to tell this portion of the story since the memorial is located several miles upstream from Johnstown where the cause of the flooding occurred.

The House Interior Committee approved amendments to restrict financial assistance to no more than 50 percent of the costs of operating and maintaining the museum, and authorized the Secretary to accept the donation of the building, the collection owned by the Johnstown Flood Museum Association, and the land as an addition to the Johnstown Flood National Memorial.

We appreciate the opportunity to testify today and would be happy to answer any questions.

Senator WALLOP. Thank you.

Now I appreciate your testimony, particularly with regards to the drydock and El Portal. I happen to be familiar with both and agree that we should be doing something. And these are—I don't know—they are sort of—it is sort of nice to see this kind of proposal coming along instead of just another big belt of money with no direction to it. So I appreciate it very much.

I have not read all of your submitted testimony, but I will and see what other things are there. I appreciate your taking time to come with us this morning.

Mr. LIENESCH. Thank you very much, Mr. Chairman.

Senator WALLOP. Last, we have Ms. Carrie Johnson, chairwoman of the Chesapeake & Ohio Canal National Historic Park Commission of Arlington, VA.

Good morning.

STATEMENT OF CARRIE JOHNSON, CHAIRWOMAN, CHESAPEAKE & OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION, ARLINGTON, VA

Ms. JOHNSON. Thank you, Senator. I appreciate your taking your morning for all of these projects, and I won't take much more of it.

I am here on behalf of the Chesapeake & Ohio Canal National Historical Park Commission, which is the citizens' advisory commission for the park to convey our very enthusiastic support for Senator Mathias' bill, S. 1766, for several reasons.

First, because it does provide what we think is a very innovative way of honoring Senator Beall, Sr., who was the pivotal congressional sponsor of the effort to preserve and protect the canal. It does so at, we think, a very appropriate side: the western end of the canal, which frankly needs a lot of interpretation and which is, of course, in Senator Beall's home county. It would do this in a very innovative way: not by just a statue, say, but by an interpretive park that really addresses the history of the canal, both in its operative days and during this long struggle to preserve it, as well as Senator Beall and his family's very long involvement in the area.

It's a very modest proposal. I know the Park Service has recommended $25,000. I frankly don't know the cost of bushes and benches, and we have not addressed that question. But that is certainly the right neighborhood.

It is the kind of interpretive development that is very much in accord with the park's general plan. It is the kind of thing we would like to see, anyway, and we hope you will advance it.

Senator **Wallop**. You approve of their recommendation that it not be some marble obelisk but a scenic terrace?

Ms. **Johnson**. That is what Senator Mathias in his statement has outlined from the beginning, and that is why we are so enthusiastic about it, yes.

Senator **Wallop**. Good. Well, I believe that there is really no problem doing this. I cannot imagine what it would be right at this moment. We had a pretty good harvest this morning of administration support for a bunch of bills and this one was clearly one. And it seems as though their recommendations are in line with your desires and those of Senator Mathias.

Ms. **Johnson**. In fact, we think it is a very creative proposal and accomplishes a number of good things.

[The prepared statement of Ms. Johnson follows:]

STATEMENT ON S. 1766
SUBMITTED TO THE SUBCOMMITTEE ON PUBLIC LANDS
SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES
FEBRUARY 21, 1986

Mr. Chairman, I am Carrie Johnson, chairman of the C&O Canal National Historical Park Commission, a 19-member panel of citizens appointed by the Secretary of the Interior under P.L. 91-664 to advise the Secretary and hir designees on matters affecting the C&O Canal National Historical Park.

The Commission enthusiastically supports S. 1766, to dedicate the Cumberland terminus of the C&O Canal to the late Senator J. Glenn Beall, Sr., and create an interpretive memorial plaza at that site. We welcome this as an innovative approach which would recognize Senator Beall's contributions to preserving the canal by enhancing and interpreting one of its most significant sites. We are also pleased that Senator Sarbanes and about 20 others have joined Senator Mathias by cosponsoring the bill.

As S. 1766 recognizes, the C&O Canal National Historical Park embodies two stories which ought to be told. The first, of course, is the story of the 184.5-mile canal, its construction and operations, and its role in American development and Potomac Valley life. The second story tells how this great resource, this unique ribbon of history, was preserved through the 17-year citizens' campaign which secured the national historical park in 1971. That story, in which Senator Beall played such a pivotal role, is also a tale of vision, frustrations and hard work -- and a great example of Americans' growing appreciation of their heritage.

The Cumberland terminus is a fine place to tell both stories. It is a major point on the historic route between the Atlantic seaboard and the Ohio valley which the canal's founders sought to reach. During the canal's operating years, Cumberland was the center of boat-building and the collection port for the waterway's main cargo, western Maryland coal. It is of course in Allegany County, where the Beall family has been prominent for two hundred years. Finally, in 1954 Cumberland was the starting point for the first march to save the canal.

Unfortunately, this significance is not self-evident today. The park's right-of-way in Cumberland endures as a popular riverside trail, but much of the actual canal was buried by a flood control project in the 1950's. Visitors to the terminus can see the remains of the canal's inlet lock and turning basin, the junction of river, road and rail corridors, and the mountains against which the canal stopped. However, they need exhibits, old photographs and brochures to help them envision and understand the past.

The interpretive plaza authorized by S. 1766 would provide low-key displays, walkways and landscaping to highlight the terminus and explain its significance and Senator Beall's role. A path would also connect the terminus with the National Park Service's small visitor center in the rehabilitated Western Maryland Railroad station nearby.

We realize that this proposal is modest in scale and cost, as dictated by current fiscal constraints. We welcome it nonetheless. It is in keeping with the park's General Plan, which recognizes the importance and the interpretive challenges of the terminus area, and with the commitment to improved visitor services in the park's Cumberland Development Concept Plan.

We also appreciate Senator Mathias' statement that the National Park Service should develop detailed designs in close cooperation with the commission and the community. This approach, traditional and successful in this park, may also spur community efforts to revitalize this part of Cumberland.

In closing, let me emphasize the importance of telling both stories of the C&O Canal, and of our treasured resources in general, to help each generation understand both what has been preserved and how much continuing effort and commitment are required. In sensitive historical and natural areas such as the canal, the preservation story should be told, in my view, mainly through publications and visitor-center displays; I would certainly not favor a blizzard of commemorative monuments or plaques. However, Congress has made one justified exception by dedicating the towpath to Justice William O. Douglas, whose catalytic role in saving the canal is recognized at Lock 3 in Georgetown. A plaza dedicated to Senator Beall at the Cumberland terminus would be complementary in many respects.

On behalf of the advisory commission, I congratulate Senator Mathias for proposing such a creative plan and urge you to give S. 1766 your full support.

Thank you.

Senator **Wallop**. Well, thank you very much for taking time to come down this morning. I have, as well, a statement for the record on S. 1819 by Representative Hank Brown of Colorado, which will be put in place.

I would ask if Senator Murkowski has anything.

Senator **Murkowski**. No, Mr. Chairman; I am pleased to be here and give you a little moral support.

Senator **Wallop**. I am pleased that you did, and in order to give you some moral support back, I will adjourn the meeting.

Senator **Murkowski**. Well, that is fair enough. I commend you on going through an extraordinary list of a full legal-sized page in less than 2 hours.

Senator **Wallop**. I had wonderfully cooperative witnesses and including the administration, which is not always that they come together on the same thing.

The subcommittee stands adjourned.

[Whereupon, at 11:14 a.m., the hearing was adjourned.]

APPENDIXES

APPENDIX I

Responses to Additional Committee Questions

United States Department of the Interior
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

MAR 26 1986

Honorable Malcolm Wallop
Chairman, Subcommittee on Public Lands
Reserved Water, and Resource Conservation
Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Senator Wallop:

Thank you for your letter of February 24, 1986, enclosing a question for the record concerning H.R. 934, legislation providing for erosion control and elimination within the Cuyahoga Valley National Recreation Area. We are enclosing our response to Senator Bumpers' question as well as a copy of the report referenced in our response.

Sincerely,

J. Stephen Britt

J. Stephen Britt
Legislative Counsel

Enclosures

do not anticipate the need to acquire private land within the river corridor. If it became necessary to acquire some of the private lands, rights-of-way, or easements within the corridor, we estimate the cost could range from $225,000 to as much as $2.5 million.

We estimate that the cost of the National Recreation Area Study through the city of Fort Collins would be $150,000 to $200,000, depending upon how much information is already available. Up to 75 percent of this cost would be in the form of a Federal grant under S. 1819.

Sincerely,

/s/ Dennis C.

for R. MAX PETERSON
Chief

DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250

MAR 07 1986

Honorable Malcolm Wallop
Chairman, Subcommittee on Public Lands,
Reserved Water and Resource Conservation
Committee on Energy and Natural Resources
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Following are answers to the questions that were asked as part of the hearing on S. 1819 held on February 21.

Question 1

Although S. 1819 does not mandate any land acquisition in this area, what is the estimated cost to the Forest Service of acquiring the privately owned land along this 15-mile stretch of the river?

Answer

The 15-mile stretch of river referred to in the question is the segment we did not recommend because of the preponderance of adjacent lands in private ownership. The Forest Service does not see a need to acquire lands or easements through private land along the Cache la Poudre River unless 1) local zoning is not compatible with Wild and Scenic River protection needs, and 2) development is proposed on the private land that is incompatible with the protection requirements of the Act. We are hopeful that local zoning would adequately control any development on private lands along this 15-mile segment of the Cache la Poudre River. It is estimated that acquisition costs for this segment of the river could range from $0 up to $2.5 million if some modest level of scenic easement or fee title acquisition were necessary.

Question 2

What is your estimate of costs over a 5-year period for operation, maintenance, development, and land acquisition for the Cache la Poudre River as designated in S. 1819? How much would it cost to complete the National Recreation Area Study through the city of Ft. Collins?

Answer

We estimate that the total cost over a 5-year period for operation, maintenance, and development on the Cache la Poudre River as designated in S. 1819 would be $325,000. This does not include any acquisition costs for rights-of-way, easements, or fee title acquisition because we

Question for Denis Galvin, National Park Service

In your formal statement regarding H.R. 934, legislation providing for erosion control and elimination within the Cuyahoga Valley National Recreation Area, you refer to a report prepared by a multidisciplinary review team in response to an earlier study done by the Corps of Engineers. I understand that the latest report analyzes the problem of erosion within the recreation area and the possible sources of the erosion problem.

(1) What are the conclusions of the analysis prepared at the request of the Park Service?

ANSWER: We are enclosing a copy of the report prepared by the independent, multidisciplinary Review Team. As stated in the report, the Review Team concluded that the U.S. Army Corps of Engineers' assessment of the causes of, magnitude of, and solutions to the erosion and sedimentation problems in the Cuyahoga River Valley is inconsistent with field observation, available data and accepted land management practices. The Review Team stated that the role of surface erosion in woodlands was grossly over emphasized and provided a detailed discussion to support its views. The Review Team further concluded that sedimentation in Cleveland Harbor cannot be linked definitely to erosion in Cuyahoga Valley National Recreation Area, based on present studies; and that for a more complete, future assessment of erosion sources within the Cuyahoga Valley, downcutting of the channel should be considered. Moreover, the Review Team concluded that any forest cutting recommended by the U.S. Army Corps of Engineers should be viewed with caution because of the potential loss of soil stability.

IA-6000-4-8015

EVALUATION OF REPORTS ON EROSION AND SEDIMENTATION IN THE CUYAHOGA VALLEY NATIONAL RECREATION AREA (CVNRA)

August 1985

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ABSTRACT

Problems and discrepancies identified in U.S. Army Corps of Engineer (USACE) reports concerning erosion and sedimentation in the Cuyahoga Valley National Recreation Area (CVNRA) led to the establishment of an independent, multidisciplinary Review Team (RT) by the U.S. Forest Service (USFS) at the request of the U.S. National Park Service (USNPS), administrator/manager of CVNRA.

The RT evaluated existing reports and data, visited CVNRA and prepared this report to be transmitted through the USFS to the USNPS.

Major areas of concern addressed by the RT were sediment yield, soil loss, sources of erosion, sediment delivery ratios, forest types and silvicultural practices. In keeping with the RT's study objectives, four major studies were conducted, (1) Climate, Hydrology and Sediment Yield in the Cuyahoga River Basin, Ohio; (2) Universal Soil Loss Equation (USLE); (3) Sediment Delivery; and (4) Forest Types and Silvicultural Practices. Reports concerning each of these studies are included in their entirety within this document, as well as detailed descriptions of the RT's problem statement, study objectives, plan of action, conclusions and recommendations.

The Review Team concludes that the USACE's assessment of the causes of, magnitude of, and solutions to the erosion and sedimentation problems in the Cuyahoga River Valley is inconsistent with field observation, available data and accepted land management practices. The RT believes that the role of surface erosion in woodlands is grossly overemphasized and provides a detailed discussion to support its views. The RT further concludes that sedimentation in Cleveland Harbor cannot be linked definitely to erosion in CVNRA, based on present studies; and that for a more complete, future assessment of erosion sources within the Cuyahoga Valley, downcutting of the channel should be considered. Moreover, any forest cutting recommended by USACE should be viewed with caution because of the potential loss of soil stability.

The RT recommends that the following studies be conducted in the order listed to establish a sufficient data base for determining and ameliorating the major sedimentation problems in Cleveland Harbor:

1. Determine severity of the erosion problem in the CVNRA in relation to Cleveland Harbor sedimentation by measuring suspended sediment and bedload yield in Cuyahoga River Valley at mile 40.2, mile 13.8 and mile 0.0 (mouth of Harbor) plus sediment trapped in the channel below mile 13.8.

2. If the Cuyahoga River Valley between mile 40.2 and mile 13.8 is found to be a major contributor of sediment to Cleveland Harbor, then determine the major sources of stream sediment in the CVNRA by comparing measurements of suspended sediment concentrations in streams affected by various point-sources and diffuse sources of sediment.

3. If particular land use types, disturbance types, soil types, etc. are found to be associated with significantly greater stream sediment concentrations, specific investigations of methods for control of such erosion then can be initiated.

INTRODUCTION

Problems and discrepancies have been identified in reports concerning erosion and sedimentation in the CVNRA. Consequently, the U.S. National Park Service (USNPS) asked the U.S. Forest Service (USFS) to evaluate existing reports and visit sites identified as major sources of erosion and sedimentation in the CVNRA. Through its Northeastern Forest Experiment Station, the USFS established a multidisciplinary Review Team (RT) to (1) evaluate existing reports, (2) visit the site and (3) prepare a report to be transmitted through the USFS to the USNPS.

Members of the Review Team (RT) were:

Dr. David R. DeWalle
Professor, Forest Hydrology
Pennsylvania State University

J. David Helvey
Forest Hydrologist
Northeastern Forest Experiment Station, USFS

Dr. David A. Marquis
Silviculturist
Northeastern Forest Experiment Station, USFS

Dr. John P. Vimmerstedt
Assoc. Prof., Forest Soils
Ohio State University

Dr. Gordon E. Gatherum, RT Chairman
Professor, Forest Physiology
Ohio State University

The RT has analyzed existing reports and data, inspected/surveyed CVNRA, prepared a preliminary report and now submits this final report.

PROBLEM STATEMENT

The Cuyahoga River drains an area of about 810 square miles in northeastern Ohio. It is the major river emptying into Cleveland harbor on Lake Erie; considerable industrial and urban development has occurred throughout the basin with attendant erosion, sedimentation and flooding problems. Because of these problems, a Cuyahoga River Restoration Study, authorized in 1968 under the authority of the Flood Control Act of 1968 (later expanded and reauthorized under the Rivers and Harbors Act of 1970), was undertaken by the U.S. Army Corps of Engineers (USACE).

Two interim reports were issued in 1971 and 1977, at which time a Third Interim Report on Erosion and Sedimentation was begun. This report was completed in 1979, revised in 1981, and a supplementary report submitted in 1982 (USACE, 1979, 1982). The purpose of these studies was to identify and quantify the major sources of erosion and sedimentation in the Cuyahoga watershed and to recommend a plan for controlling sediment discharges into the Cleveland ship channel. This study concentrated on the 303-square-mile section of the watershed lying between mile 13.8 and mile 40.2 of the river (upstream from Cleveland Harbor). This section had been identified earlier as the most prolific source of sediment in the river system (Apmann, 1973).

The Cuyahoga Valley National Recreation Area (CVNRA), established in December of 1974 by Congress as an Urban Park to be administered by the U.S. National Park Service (USNPS), currently occupies about 50 square miles along 22 miles of the Cuyahoga River between Cleveland and Akron (see map in back pocket). The entire area lies within the 303-square-mile study area of the USACE and contains considerable land classed as critical erosion areas in USACE's reports.

Reviews of USACE's reports by USNPS and a number of land resource managers has led to questions concerning (1) inconsistencies within the reports and (2) USACE's conclusions and recommendations.

Sediment yield estimates identified in the aforementioned reports/studies vary appreciably. Apmann (1973) calculated sediment yield using (1) measurement data (U.S. Geological Survey Station at Independence, mile 13.8) and (2) an estimated, unmeasured sediment and bedload, based on channel dimension, velocity and bed material. The estimated yield was 380,000 tons per year. Apmann (1973) cited two additional studies, one from a Northeast Ohio Water Development Plan, the other conducted by Sveum (1970) of the USACE Hydrologic Engineering Laboratory. In the former study, total basin yield was estimated at 232,000 tons per year; in the latter study, total sediment yield was estimated at 379,000 tons per year. Suspended sediment yield measurements by USGS (1978) at Independence averaged 214,000 tons per year over a 23-year period.

Sediment yield estimated by USACE (1979, 1982) was based on the Universal Soil Loss Equation (USLE) and totaled 840,000 tons per year.

Wide variations in sediment sources also are reported. In the Northeast Ohio Water Resources study and Apmann's study (1973), approximately 54 percent of total sediment yield was accounted for by channel erosion. Sveum (1970) reported that 48 percent of the total sediment dredged from the Cleveland Harbor was derived from flue dust and other wastes and 54 percent from erosional products. According to USACE's reports (1979, 1982) 20,000 tons per year of dredged sediment comes from channel erosion, 130,000 tons from gully erosion and flood plain scour within the "Standard Project Flood Area," and 550,000 tons from upland erosion.

Estimates of the sediment delivered to the channel from upland sources were based on sediment delivery ratios. In the USACE's studies, these ratios varied from 10 to 70 percent, with the highest sediment delivery ratio values in the woodlands and recreation areas. These values are unusually high for most woodland areas and varied considerably from those cited in the Northeast Ohio Water Development Project study, 20 percent for upland erosion, 30 percent for streambank erosion, and 50 percent for cities and industries.

The Universal Soil Loss Equation (USLE) was used to estimate upland soil loss in the USACE's studies (1979, 1982). Results of the studies indicate that woodland areas have the highest erosion rates and that the maple-ash-tulip poplar types exhibited highest soil loss. These results differ greatly from those cited in studies conducted in comparable forest types. Moreover, conclusions have led to management recommendations that are at variance with normally accepted practices.

Because of these problems and discrepancies, the USNPS asked an independent Review Team (RT) to review existing reports and respond to USNPS's questions concerning (1) sediment yield estimates, (2) sediment sources, (3) sediment delivery ratios, (4) Universal Soil Loss Equation and (5) forest types and silvicultural practices.

Literature Cited

Apmann, R.P. 1973. Erosion and sedimentation in the Cuyahoga River Basin. Exhibit E-1. In Appendix E, Cuyahoga River, Ohio. Restoration Study, Third Interim Preliminary Feasibility Report on Erosion and Sedimentation, U.S. Army Engineer District, Buffalo, N.Y. 48 pp.

Sveum, D.L. 1970: The quantity and quality of sediments deposited in Cleveland Harbor, Cleveland, Ohio. Proceedings, Seminar on Sediment Transport in Rivers and Reservoirs, Hydrologic Engineer Center, U.S. Army Corps of Engineers, Paper No. 8.

USACE. 1979. Cuyahoga River, Ohio Restoration Study, Third Interim Preliminary Feasibility Report on Erosion and Sedimentation, Vol. I, Main Report. U.S. Army Corps of Engineers, Buffalo, N.Y. 119 pp.

USACE. 1982. Cuyahoga River, Ohio Restoration Study, Supplement to the Third Interim Feasibility Report on Erosion and Sedimentation. U.S. Army Corps of Engineers, Buffalo, N.Y. 95 pp.

STUDY OBJECTIVES

In keeping with the USNPS's requests and the USFS's prescribed statement of work, the Review Team's (RT's) specific objectives were:

1. Analyze existing reports concerning sediment yield, soil loss, sources of erosion, sediment delivery ratios, forest types and silvicultural practices in the Cuyahoga River Basin.
2. Determine availability of other sources of information not considered previously. Contact agencies/organizations and resource professionals/scientists who can provide additional information.
3. Visit CVNRA, confer with USNPS personnel and visit the Cuyahoga River Basin to review the situation "on the ground" relative to sediment yield, soil loss, sources of erosion, sediment delivery ratios, forest types and silvicultural practices.
4. Prepare a report on the RT's findings for the USFS with recommendations for further study, if thought necessary. The report subsequently was to be transmitted to the USNPS by the USFS.

PLAN OF ACTION

Based on activities pursued under STUDY OBJECTIVES 1, 2 and 3, the Review Team (RT) identified four major studies for further investigation. These four studies were selected to obtain clarification/additional information for answers/recommendations concerning the problems and discrepancies identified in existing reports. Responsibility for conduct of the four studies was delegated as follows:

	Topic	Scientist(s)
1.	Climate, hydrology and sediment yield in the Cuyahoga River Basin	J. David Helvey and David R. DeWalle
2.	Universal Soil Loss Equation (USLE)	John P. Vimmerstedt

3.	Sediment delivery	David R. DeWalle
4.	Forest types and silvicultural practices	David A. Marquis
5.	Coordinator	Gordon E. Gatherum

The remainder of this final report provides (1).a major studies section that includes reports on the four major studies, (2) a conclusions section, primarily based on the four major studies and oriented to the RT's response to the problems/concerns identified in the USNPS/USFS statement of work, and (3) a recommendations section in which the RT identifies needs for research/action.

Need for the detailed reports of the four major studies in this final report has been questioned. The RT feels that to maximize objectivity in an assessment of this final report, readers of this document should be given an opportunity to read the findings of each scientist and then compare these findings with the RT's conclusions and recommendations.

MAJOR STUDIES

CLIMATE, HYDROLOGY, AND SEDIMENT YIELD IN THE CUYAHOGA RIVER BASIN, OHIO

J. David Helvey and David R. DeWalle

INTRODUCTION:

No study of soil erosion or sediment yield is complete without an understanding of the general climate and hydrology of the study area. Precipitation and/or snowmelt are the driving forces that loosen soil particles, and surface runoff carries them through to the stream system. Since wind erosion is insignificant in the study area, virtually no sediment is lost from the watershed except by flowing water.

This report will summarize 40 years of precipitation data at three stations (Hiram, Cleveland, and Akron-Canton Airport); 33 years of streamflow data and 31 years of sediment yield data at the Independence Station. In addition, 6 years of sediment yield data at the Old Portage Station will be compared with concurrent values at the Independence Station to determine sediment yield between these two stations.

METHODS OF STUDY:

Precipitation and air temperature data were collected and published by the National Oceanic and Atmospheric Administration, Asheville, North Carolina. Streamflow and suspended sediment data were collected and published by the United States Geological Survey, Reston, Virginia.

Precipitation, streamflow, and suspended sediment yield data were averaged by months for the period of record and the standard error $(S_{\bar{x}})$ of each mean computed.

The regression technique was used to test for time trends in the relationships between (1) precipitation and streamflow, (2) precipitation and sediment yield, and (3) streamflow and sediment yield. The tests compared data collected between 1951 and 1966 with data collected between 1967 and 1983. Double-mass analysis also was performed to graphically compare suspended sediment yield in the Cuyahoga River at Independence with precipitation data for the Cleveland Airport Station. Since land use within the basin has changed dramatically over the past 30 years, it is possible that streamflow and/or sediment yield also changed.

Estimates of bedload sediment yield in the Cuyahoga River between Old Portage and Independence were made using relationships given by Colby (ASCE, 1977). An average velocity of 2.3 ft/s, channel width of 77 ft., channel depth of 4.68 ft. and an assumed channel bed median particle size of 0.3 mm was used in this estimation as given by Apmann (1973) in an early study.

FINDINGS:

Table 1 shows that precipitation at all 3 stations is well distributed through the year, but the months of October - February are slightly drier than the growing season months. Average annual precipitation ranges from 36.1 inches at Cleveland to almost 41 inches at Hiram. Although it is not possible to compute mean annual precipitation for the entire basin, it probably is somewhere between 36 and 41 inches. The standard error of the mean $(S_{\bar{x}})$ at the Hiram Station is 1.1 inches. Therefore, assuming a normal distribution of the precipitation data, the average annual precipitation at this station is between 38.8 and 43.1 inches at the 95% probability level.

Snow is common from November through March with the annual maximum accumulation usually occurring in January. Snowfall is generally greater at Cleveland than at the Akron-Canton Airport, where the annual total varied form 18 inches in 1949-50 to 82 inches in 1977-78. Although the records do not provide a conclusive answer, there probably are times when rain falls on accumulated snow and causes rapid runoff which results in accelerated sediment yields.

Mean annual air temperature normals are quite similar between the Akron and Cleveland airport stations. Air temperature normals for the two stations are 49.7 and 49.6°F for Cleveland and Akron, respectively.

Monthly streamflow is greater during winter months and least during late summer when evaporation demand is greatest (Table 2). As expected, average monthly suspended sediment yield is well correlated with concurrent average monthly streamflow (Figure 1). Average annual streamflow is 16.6 inches with a standard error of 0.9 inch.

Table 1. Summarized precipitation for three stations within the Cuyahoga River Basin. Station elevations are Cleveland-650 feet, Akron-Canton-1200 feet, Hiram-1250 feet.

Month	Cleveland		Akron-Canton		Hiram	
	$\bar{x}$	$S_{\bar{x}}$	$\bar{x}$	$S_{\bar{x}}$	$\bar{x}$	$S_{\bar{x}}$
	Inches		Inches		Inches	
Oct	2.43	0.23	2.21	0.26	3.03	0.34
Nov	2.91	0.17	2.63	0.17	3.34	0.25
Dec	2.72	0.21	2.69	0.24	3.25	0.26
Jan	2.50	0.20	2.67	0.21	2.98	0.25
Feb	2.15	0.21	2.24	0.29	2.54	0.22
Mar	3.10	0.25	3.36	0.24	3.60	0.23
Apr	3.38	0.20	3.35	0.53	3.94	0.31
May	3.45	0.27	3.82	0.29	3.63	0.26
Jun	3.65	0.20	3.46	0.25	3.86	0.31
Jul	3.38	0.26	3.89	0.25	3.73	0.34
Aug	3.29	0.23	3.24	0.18	3.53	0.35
Sep	3.14	0.16	2.99	0.17	3.54	0.38
Annual	36.10	0.94	36.55	0.86	40.97	1.08

Monthly suspended sediment yield is greatest in March on the average, but variability is extreme between years for a given month. For example, the coefficient of variation exceeds 100% for most months. The seasonal trend in runoff and sediment yield is important because of previous observations that the forest floor under stands of tulip-poplar, ash, and red maple almost disappear in late summer. Since monthly streamflow reaches a minimum during late summer because of maximum evaporation losses, suspended sediment yield also is relatively low during these months. Therefore, the presence or absence of litter cover in late summer is of minor importance as far as erosion is concerned. Perhaps this is one reason that evidence of accelerated surface erosion in forested areas is difficult to find.

Table 2. Summarized streamflow and sediment yield at the Independence Station on the Cuyahoga River.

Month	Streamflow		Sediment Yield	
	$\bar{x}$	$S_{\bar{x}}$	$\bar{x}$	$S_{\bar{x}}$
	inches		tons/sq.mi.	
Oct	0.56	0.07	3.92	1.42
Nov	0.99	0.10	13.44	2.57
Dec	1.50	0.17	19.85	4.75
Jan	1.57	0.21	29.83	6.88
Feb	1.88	0.19	34.98	6.58
Mar	3.12	0.28	65.60	10.15
Apr	2.56	0.26	50.00	9.68
May	1.54	0.14	25.70	5.52
Jun	0.94	0.11	22.90	4.85
Jul	0.74	0.08	17.90	5.25
Aug	0.65	0.09	11.10	3.05
Sep	0.53	0.08	5.60	1.32
Annual	16.60	0.89	307.10	26.30

The regression analysis indicated no significant difference ($P=0.05$) in the relationship between precipitation and streamflow, precipitation and suspended sediment yield, or streamflow and suspended sediment yield throughout the period of record. Even though land use has changed, the changes are partly compensating in terms of sediment yield. For example, the headwater areas are reverting back to forest cover as farming gradually decreases, and areas are protected from manipulation by man. At the same time, some downstream areas are probably producing more sediment because urbanization and activities such as ski slope development are increasing. Thus, the headwater areas probably are becoming more stable while some downstream areas are producing increasing amounts of sediment.

Lack of trend in Cuyahoga River suspended solids data at the Independence site can be graphically displayed using a double-mass plot. Suspended sediment data from the Cuyahoga River at Independence at the lower end of the CVNRA were available from 1951 to 1982; with 1965, 1975, 1976 and

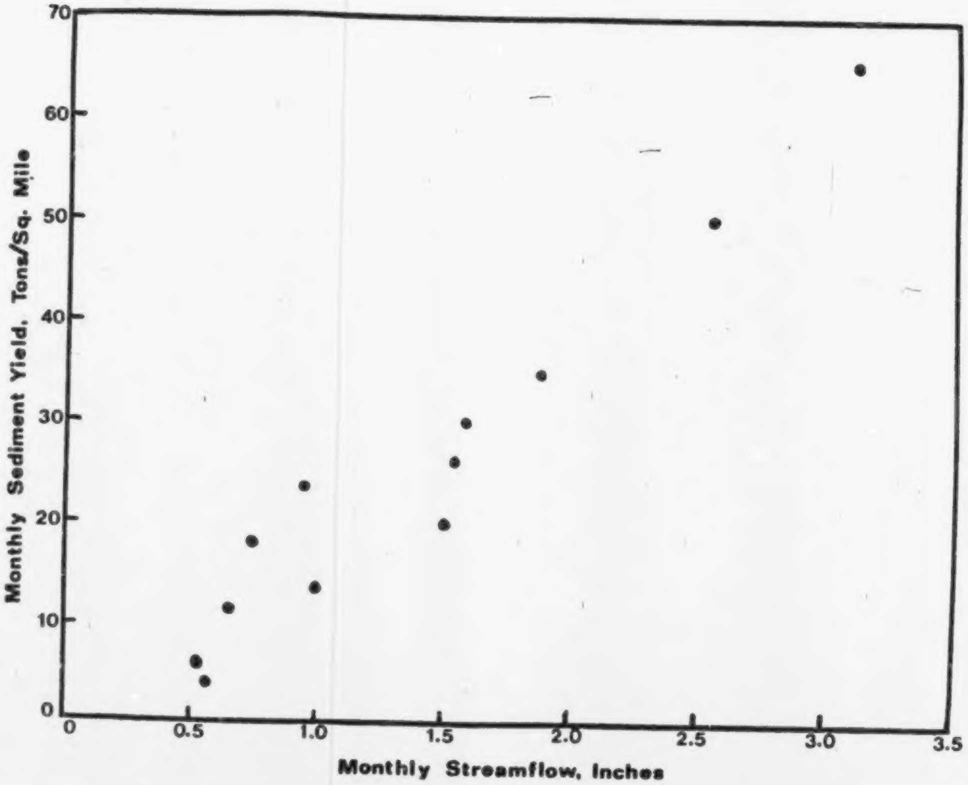

Figure 1. The relationship between monthly streamflow and monthly sediment yield at the Independence Station on the Cuyahoga River, Ohio.

1977 missing. Suspended solids yield at Independence averaged about 235,000 tons/yr for the 28-year record or 1.2 tons per acre per year. The fact that a small volume of water and sediment are diverted around the Independence gage for the Ohio Canal has an undetermined effect on time trends and long-term averages in the data. These annual suspended sediment yield data were plotted on a double mass curve against annual precipitation at the Cleveland, Ohio airport to detect any trends that may have occurred during the period of record (Figure 2). No consistent trend was apparent in the data which indicates the basin has been yielding sediment relative to precipitation received in a similar manner over the past 30 years. This result confirms results of regression analysis of trends in precipitation, streamflow, and suspended sediment yield data.

Suspended solids yield data at Old Portage can be used to deduce the contribution of the basin between Old Portage and Independence. For the years with concurrent data (1973, 1974, 1978-1981), suspended solids yield averaged 284,000 tons per year at Independence and 37,000 tons per year at Old Portage. Thus, 247,000 tons per year of suspended solids or about 87% is added between Old Portage and Independence. If a similar percentage has been derived between these stations during the period of record, then 87% of 235,000 tons per year or 204,000 tons per year represents a good long-term average for suspended solids yield in the Cuyahoga River basin between stations. Unfortunately bedload yield is much less precisely known.

Bedload sediment yield depends upon knowing the size distribution of the particles on the stream bed, streamflow rates, and the physical characteristics (width, depth, slope) of the channel. Bed sediment particle size information is lacking for the Cuyahoga River, but if assumptions are made about the mean particle size of bed material, estimates of bedload yield can be made. Apmann (1973) gives an estimate of bedload yield of 169,000 tons per year which includes 19,000 tons per year of unmeasured suspended solids being transported near the bed of the channel. Apmann does not state what bed sediment particle sizes were assumed in his calculation, which was based upon the Meyer-Peter Muller-formula. Particle size analysis data given by the U.S. Geological Survey in Water Supply Papers for the Cuyahoga River at Independence show that essentially 100% of suspended particles are less than 0.25mm in diameter. Certainly the mean particle size of bedload material will exceed 0.25mm in diameter, probably medium sand (0.25-0.5mm), since these are the particles too heavy to be transported in suspension. Field observations indicate that the bed of the Cuyahoga River within the CVNRA also is armored with larger cobbles and gravel.

Curves given by Colby expressing bedload yield versus stream velocity for five sand-bed streams without armoring show bedload transport ranging from about 84,000 to 281,000 tons per year for a mean velocity of 2.3 ft/s. Colby's relationships used for Cuyahoga River mean annual flow conditions and channel dimensions given by Apmann (velocity = 2.3 ft/s, width = 77 ft, depth = 4.68 ft) and an assumed bed median particle size of 0.3 mm, give bedload of 168,000 tons per year. The agreement with

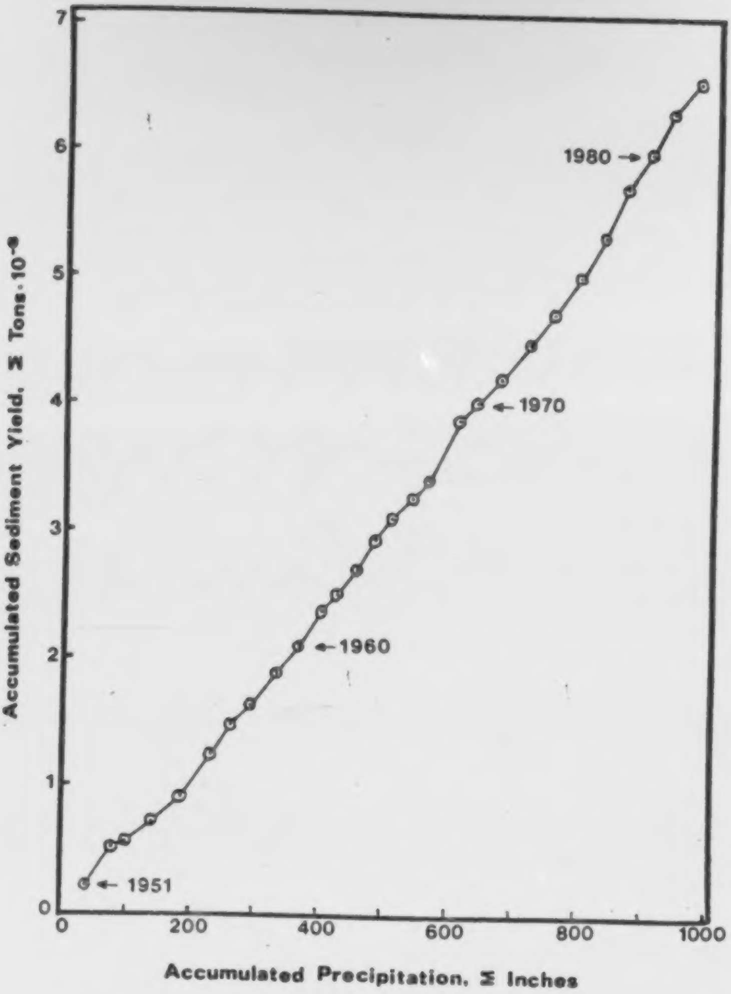

Figure 2. Double-mass plot of accumulated suspended sediment yield in the Cuyahoga River at Independence against accumulated precipitation at the Cleveland airport showing lack of consistent trend from 1951 to 1982.

Apmann's earlier estimate is fortuitous, but does not indicate the accuracy with which bedload yield can be estimated. Knowledge of bedload yield on the Cuyahoga River remains a major deficiency in the data base with which we have to work.

By combining the suspended load yield of 204,000 tons per year between Old Portage and Independence with the bedload yield estimate after adjustment for the contribution from the upper basin, we can estimate the total basin sediment yield. Certainly some of the bedload yield is derived from above Old Portage and use of an adjustment factor of 0.87 based upon the suspended solids measurements gives an adjusted bedload yield from the basin between Old Portage and Independence of 146,000 tons per year. The combined total sediment yield from the basin thus becomes 204,000 plus 146,000 or 350,000 tons per year (Table 3). This value is close to that given by Apmann of 380,000 tons per year.

Table 3. Estimated sediment yield for Cuyahoga River between Old Portage and Independence based on measured suspended solids and estimated bedload.

Source	Sediment Yield tons/yr
Suspended Solids[1]	204,000
Bedload[2]	146,000
Total	350,000

[1] Based upon 28 yrs of data at Independence and 6 yrs at Old Portage

[2] Based upon estimates using Colby (ASCE, 1977) curves for assumed 0.3mm mean bed particle diameter, depth of 4.68 ft, width of 77 ft and mean velocity of 2.3 ft/s.

These estimates of total sediment yield, either the Apmann or the revised estimate herein, agree only roughly with sedimentation indicated by USACE's dredging data as corrected for suspended solids passing through to Lake Erie by Apmann. Apmann cites Sveum's sediment yield based on dredging data corrected for an additional amount of flue dust not derived from basin erosion of 379,000 tons per year and adds 59,000 tons per year for unmeasured suspended solids passing to Lake Erie for a total of 438,000 tons per year. Data given by the USACE for 1968-1972 and 1976-1977 show a mean of 819,000 cubic yards dredged annually plus 60,000 tons per year dredged by private dock owners. If all this material were due to erosion on the watershed, following Sveum's use of a 15% bulking factor and 50 pounds per cubic feet as a material density cited by Apmann, calculations give a sediment yield of 516,000 tons per year, which is higher than other estimates. If, however, as found by Sveum, 48% was due to flue dust and other sources within the harbor, the sediment yield would be a low value of 268,000 tons per year.

Recent dredging data for 1979-1984 obtained from the U.S. Army Corps of Engineers for the Cuyahoga River indicate reduced volumes of sediment dredged. For the recent six-year period, dredging volumes have only averaged 421,000 cubic yards per year in the inner Cuyahoga River harbor with an additional 81,000 cubic yards per year dredged from the outer harbor. Compared to 819,000 cubic yards dredged per year for the 1968-72 and 1976-77 period, this volume is greatly reduced. Subject to the uncertainty in the dredging data, the 421,000 cubic yards per year would translate into a sediment yield of anywhere from 248,000 to 128,000 tons/year of sediment. This sediment weight is also less than the long-term estimate of sediment yield from the basin in Table 3, e.g. 350,000 tons per year.

Since no time trends in suspended sediment yields at Independence have been noted over the past 30 years and suspended solids apparently represent the majority of total sediment yield, the changes in volume or weight of sediment dredged must be due to other factors. Interpretation of dredging data to obtain sediment yields is difficult due to questions concerning sediment sources within the harbor area such as flue dust, the fraction of suspended solids which are transported into Lake Erie, and the consistency of the dredging operation.

There have been a number of studies on the effects of nickpoints in stream beds on upstream channel stability (or instability). This subject was discussed by Morisawa (1968) and Schumm et al. (1984). Schumm et al. define a nickpoint as "A location on the stream profile where there is an abrupt change of elevation or slope." They concluded that a nickpoint will migrate up the valley floor, or stream channel, as the stream attempts to adjust to the new base level.

The practice of dredging the harbor probably creates a nickpoint as defined by Schumm et al. This practice creates a new base level in the stream system and probably causes accelerated channel erosion just upstream from the harbor. As the dredged depth fills with sediment, the original base level is re-established until the harbor is dredged again and the cycle is repeated. A follow-up study should be initiated to determine if the harbor dredging acts as a nickpoint as defined by Schumm et al. (1984), and if this practice causes accelerated channel erosion upstream from the harbor. Perhaps a structure of some kind is needed in the channel just upstream from the harbor to prevent accelerated channel erosion.

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UNIVERSAL SOIL LOSS EQUATION (USLE)

John P. Vimmerstedt

INTRODUCTION:

The USACE predictions of soil loss from critical erosion areas result from applying the Universal Soil Loss Equation (USLE) to observations of soil series, cover, slope length and slope steepness made on sample plots in the Cuyahoga Valley Watershed. Pages A-75 to A-95, Volume II, Appendix A of the USACE report give details regarding use of the USLE in the USACE study. Although the report recognizes limitations of this equation, the impression one gets from the report is that these predictions are actual measurements. Tables consistently refer to actual tons of soil loss per year. There is no discussion of errors of estimate.

METHODS OF STUDY:

According to the USACE study, land classified as woodland accounts for two-thirds of the predicted soil loss and for 74 percent of the sediment delivered to the harbor, with a predicted average annual soil loss from woodland of 35 tons per acre per year and an assumed delivery ratio of 70 percent. Patric et al. (1984) recommend that predicted losses of over 0.25 tons per acre per year be examined to insure that assumptions [illegible] the predictive method are suited to conditions existing in the forest. What are the assumptions of the USLE and how well do they fit conditions on forest land in the Cuyahoga Valley? To answer these questions literature regarding the USLE was reviewed. Knowledgeable people were interviewed, and soil mapping units identified as critical erosion areas were visited.

FINDINGS:

The USLE predicts soil loss by sheet and rill erosion. Is this the mechanism for soil movement in the forested watersheds? To answer this question, soil mapping units identified as critical erosion areas were visited. These included rough broken land - clay and silt (Rv) and Ellsworth silt loam, F slope (ElF2) units in the Furnace Run drainage, Rv units in the Local drainage, and a Geeburg-Mentor silt loam, F slope (GeF) unit in the Chippewa Creek drainage.

In the Chippewa Creek watershed, the combination of Geeburg-Mentor silt loam and recreation land use was estimated to lose over 350 tons of soil per acre per year, according to the USLE. Assuming 1,000 tons of soil per acre furrow slice, this critical erosion area should lose 6 inches of soil every 3 years. A day in late December was spent scouting the Geeburg-Mentor mapping unit on Brecksville Reservation in the Chippewa Creek Watershed without observing sheet or rill erosion remotely approaching this amount of soil loss. There was much evidence of past mass movement due to soil slipping and active slips originated along a ridgetop trail. Also, gullies were advancing up slope in small streams flowing into Chippewa Creek. On a northwest facing, steep upper slope under beech, honeycomb ice mixed with soil occurred on about 20 percent of the area where litter was absent. This soil would be subject to erosion but lower concave slopes were stable and well protected by litter, so that soil eroded from the steep upper slope would be trapped before reaching the stream.

The USACE report emphasizes that more rapid erosion is found under maple, ash, and yellow-poplar than under pine, oak, or hemlock. Maple, ash, and yellow-poplar are fairly demanding species, requiring good soil conditions for growth. It is not reasonable to expect these species to grow where 6 inches of surface soil are being lost every 3 to 10 years. According to the USLE, the ElF2 mapping unit in Furnace Run is losing 127 tons of soil per acre per year or about 6 inches of soil every ten years. Yet this mapping unit supports a productive forest of mixed hardwoods where on-the-ground inspection shows porous topsoil underlying mull humus. Again, erosion of the magnitude predicted by the USLE was not seen. At one site on the Furnace Run watershed, there was a B slope mapping unit directly above the Rv critical erosion unit with an abrupt scarp at the boundary. The critical erosion area was a series of slumps between this scarp and the lower gentle slope or the stream. Two areas were actively slipping, with bare soil on the scarp, and trees leaning into the slope as they do in rotational slope failure. One of these areas of active slipping extended to a stream, where the banks showed active soil removal.

Most of the slopes observed in the critical erosion areas showed evidence of past soil slippage, but now appeared stable, with forest cover of large, upright trees. One of the active slips in the Furnace Run Watershed was below an old field on an ElB mapping unit; in fact, it was the edge of this old field that was breaking off and slipping down the hillside. This old field was in the early, non-woody stage of succession. A stabilized adjoining slope, composed of a series of slumps, was below the same ElB mapping unit that had forest cover of a young stand of hardwoods. This suggested that the active slip would stabilize as forest cover developed above it.

Although the USACE reports mention slips as a hazard in the Cuyahoga Valley, no estimates are made of quantities of soil moved to stream channels by this mechanism. A survey of the landscape leads one to believe that this mass movement has been and continues to be a major source of sediment delivery to the streams (Strahler, 1981). Pringle (1982) outlines the types and causes of mass movement in the Cuyahoga Valley National Recreation Area. He states "Slump, creep, plastic flow, mudflows, debris slides, and combination flows (such as earthflows) are forms of mass movement commonly found on valley walls in the CVNRA.... Seasonal wetness encourages mass movement to occur on valley walls in the CVNRA because of the precarious posture of fine-grained unconsolidated Pleistocene sediments on hard Paleozic bedrock surfaces of moderate relief." Pringle states that freezing and thawing accelerates mechanical disintegration of sediments, increasing susceptibility to mass movement, while vegetation tends to hold the soil layer together. Sifritt (1983) describes a recent earthflow 150 feet long and 50 feet wide which blocked Boston Mills Road and formed a small lake. Sediment delivery to the Cuyahoga River by these types of mass movement needs to be quantified.

Questions of applicability of the USLE to forested land in the CVNRA relate to the slope and cover factors of the equation and to occurrence of overland flow under forest cover.

Slope Factors L and S

Slope length and steepness factors L and S are grouped in Agriculture Handbook 537 as topographic factor (LS), discussed on pages 12-17 (Wischmeier and Smith, 1978). For the USACE study, slope length and steepness factors were measured by experienced scientists on field plots chosen in a random manner according to a valid sampling design. The methology of Agriculture Handbook 537 was applied to these field measurements to arrive at (LS).

For slopes above 18 percent, soil loss predictions by the USLE are speculative, because factors for slopes above 18 percent are not supported by research data (Singer and Blackard, 1982). Many of the critical erosion areas identified on woodland in the Cuyahoga Valley are on slopes greater than 18 percent. For example, dominant slopes in the Rv and Rw mapping units range from 35 to 70 percent (Ritchie and Steiger, 1974). In a laboratory setting simulating field conditions, Singer and Bla[illegible]ard (1982) found that, on slopes greater than 32 percent, observed interrill soil losses were less than 32 percent, observed interrill soil losses were less than those predicted by the USLE, and S factors varied with soil series. USLE predictions exceeded observed soil loss by a factor of two to three under these artificial conditions. If validated by field studies, such research, showing that soil loss-slope relationships differ among soils, will require changes in the USLE.

Cover Factor C

Evaluation of cover factor C for the USACE report followed procedures of Agriculture Handbook 537, pages 17-34. Cover values for woodland are empirical, representing a consensus of opinion of interdisciplinary technical personnel from SCS and ARS. Applying the cover-management factors of Technical Publication SA-TP 11 to field plot data from the USACE study would change values of C, because more subfactors are considered. Procedures used in Technical Publication SA-TP 11 have been validated for forested areas in northern Mississippi, western Tennessee, North Carolina, and South Carolina, but not for Ohio conditions.

In a deciduous forest, there are seasonal changes in soil protection offered by litter, ground cover, and canopy. After autumnal leaf fall, litter is at a maximum, canopy at a minimum. During fall and early winter, soil animals may bury some litter, and wind redistributes it. Spring brings development of ephemeral herbaceous ground cover, followed by leafing out of the main canopy. Spring also is a time of great earthworm activity, and much litter of palatable species, including maple and ash, is buried at this time, with concomitant deposition of water-stable earthworm castings at the surface. Through summer, canopy protection remains high, but litter may decline gradually to reach a minimum just before leaf fall.

Seasonal changes in erosion index (EI) accompany these changes in the cover factor. In the Cuyahoga River Valley, periodic EI increases rapidly from mid-May to a maximum in July, and then declines slowly through September (Wischmeier and Smith, 1978). To allow for such seasonal changes in EI and C, Dissmeyer and Foster (1980) recommend computing a weighted C factor by multiplying seasonal C factors by corresponding EI factors, summing and dividing by the annual EI. The USACE study did not use this procedure but based predictions of soil loss on a single observation of C and annual EI.

Field work for the USACE report continued through all seasons, and stopped only when there was snow cover.[1] Thus cover factors and subfactors used to compute soil loss are representative of the range of cover factors on the watershed. The key question is: Do they represent a properly weighted average of cover conditions on the critical erosion areas? This question could be answered by examining the original data sheets and classifying plots as to:

1. Critical or non-critical erosion area
2. Date of sampling
3. EI factor for the sampling date
4. Cover type

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[1] Mr. Harvey Kananen, Chief Investigator, Soil Conservation Service, Florida, personal communication.

Then Dissmeyer and Foster's method of figuring a weighted C factor could be used to re-compute soil loss for the critical erosion areas. Questions to ask would be:

1. Is sampling of cover on critical erosion areas uniform over time or skewed to a particular season or seasons?

2. If skewed, would the bias lead to underestimating or overestimating erosion loss. For example, oversampling in late autumn and early winter would lead to underestimating soil loss; oversampling during late summer and early autumn, before leafdrop, would lead to underestimating soil loss. Since data were processed in Lincoln, Nebraska at the SCS Midwest Technical Service Center, answering the above questions would logically be done by scientists there. No additional field work would be needed.

Patric (1982) emphasizes the inapplicability of the USLE to forest conditions where rapid infiltration precludes occurrence of overland flow. For two reasons, it is unlikely that overland flow occurs in the critical erosion areas of the Cuyahoga River Valley during the intense summer thunderstorms responsible for the high erosion index during these months:

1. These storms, though intense, are often of short duration, so that the forest canopy intercepts and retains a significant proportion of the rainfall. Furthermore, the soil is usually dry, so that storage capacity for rain that infiltrates is not exceeded. Where litter covers the soil, the mineral soil is often barely wetted. These same storms in agricultural situations for which the USLE was developed, would result in overland flow and soil loss.

2. Portions of the units mapped as critical erosion areas are inclusions of soils with gentle slopes not subject to erosion.

An alternative model of soil loss from forested areas of the Cuyahoga Valley involves the following considerations: Mr. Harvey Kananen observed that during heavy rains on the watershed, he could hear water running underground. This observation suggests a different route of water movement and a different mechanism of soil loss from the sheet and rill erosion predicted by the USLE. Subsurface water is known to flow rapidly downslope in large channels (macropores) in forested Ohio soils (Aubertin, 1971). More recently, Edwards et al. (1979) modeled infiltration into soil macropores, and Germann et al. (1984) quantified lateral movement of water from soil macropores into the soil matrix, for two Ohio soils.

During prolonged rainstorms in the Cuyahoga Valley, subsurface flow in a channel system of macropores takes place on steep slopes. When storage capacity of soil pores on lower slopes is exceeded, water exfiltrates and flows overland. Such overland flow could cause erosion; to estimate its magnitude would require additional research beyond the scope of this review. Study by forest hydrologists and soil engineers is needed. The USACE study has identified the critical erosion areas and provided estimates of erosion and sediment delivery to the river. Those estimates are considered high, but estimates of mass movement were not considered. A program combining action to correct obvious problems, research to find solutions to problems, and small scale trials of possible solutions is recommended. Moreover, some fundamental research on forest hydrology is suggested to find an alternative to the USLE that applies to soil loss under complex forest conditions such as those existing in the Cuyahoga River Valley.

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SEDIMENT DELIVERY

David R. DeWalle

INTRODUCTION:

Estimates of sediment dislodged from critically-eroding areas based upon the Universal Soil Loss Equation (USLE) were translated into sediment delivered to stream channels and ultimately to Cleveland Harbor by using a sediment delivery ratio. The sediment delivery ratio assigned to the critically-eroded woodland land use category was 0.7 in the U.S. Army Corps of Engineer's analysis, the maximum value used for any land use type. The high sediment delivery ratio assigned to woodlands was partially responsible for 74% of the total sediment delivered to stream channels by diffuse, non-point sources in the lower Cuyahoga River Basin being attributed to woodlands. Since the sediment delivery ratio (SDR) of 0.7 for woodlands apparently was arbitrarily selected, sediment delivery is reviewed in this section in light of recent advances in computing SDR's for woodlands and the best estimates of sediment yield for the lower Cuyahoga River Basin. Sediment delivery in the local drainage subwatershed is also reviewed relative to the impact of barriers to sediment delivery such as the railroad bed and canal and the impact of identifiable non-point sediment sources outside the Standard Project Flood Area.

METHODS OF STUDY:

A procedure for computing sediment delivery from disturbed forest land recently developed by the U.S. Forest Service (1980) was used to obtain revised sediment delivery ratios for comparison with the SDR of 0.7 used by the U.S. Army Corps of Engineers for woodlands. The procedure considers all major factors thought to control sediment delivery including: amount of water available as surface runoff for sediment transport, texture of eroded material, ground cover, slope shape, slope gradient, delivery distance, and surface roughness. Measured, computed or assigned values for each factor are plotted on a stiff diagram as vectors. The area of the polygon formed by connecting the outer limits of each vector on the stiff diagram is then related to the total area of the stiff diagram to obtain an estimate of the appropriate sediment delivery ratio from a graph.

Revised estimates of woodland SDR's were derived using the stiff diagram procedure for "worst case" conditions observed during field trips by the Review Team (RT) in the Cuyahoga Valley National Recreation Area. As will be mentioned in the discussion of the appropriateness of the Universal Soil Loss Equation estimates for woodland erosion, surface runoff generally does not occur on undisturbed forest land. However, the maximum possible vector value for water available for sediment transport of 0.1 cfs was assumed to create a worst case scenario. Values used in the analysis were: clay fraction of 25% for texture of eroded material (silty clay loam-clay loam), a 20% ground cover for late summer conditions with most litter absent, concave slopes between the source of sediment and channel (vector value = 1; worst = 0, best = 4), a delivery distance of only 100 ft., an essentially smooth ground surface (vector value = 1; worst = 0, best = 4), and slope gradients ranging from 25 to 50 percent for land between the source of sediment and channel.

Independent estimates of sediment delivery ratios from disturbed and woodland sites can be made using the same procedure illustrated for forest land. The primary focus was woodlands because of the large acreage of woodland and high sediment delivery ratios used by the USACE for woodlands. However, it is possible that sediment delivery ratios for other land use types identified may need to be revised based upon the new procedure. Determination of sediment delivery ratios for all land use types in the Cuyahoga Basin could be an area of needed research. However, it is better to measure suspended sediment concentrations in streams which result from such delivery as recommended later.

This set of conditions was meant to represent areas seen in the field where a very steep, eroding forest slope section was supplying some sediment to a more gently sloping, but narrow, strip of forest land adjacent to the stream channel and/or flood plain. Although signs of active transport of surface eroded material from the steep slope sections to the channel were not observed, again probably due to lack of surface runoff in the intervening strip, calculations were conducted to determine maximum possible SDR. Such conditions did not exist in all woodlands reviewed.

FINDINGS:

Woodland Sediment Delivery Ratios and the USLE

Revised estimates of sediment delivery ratios for woodlands in the Cuyahoga River Valley were considerably below the 0.7 used by the U.S. Army

Corps of Engineers. Revised SDR's for woodlands based upon the U.S. Forest Service's procedure, as described in the Methods section, ranged from 0.2 to 0.4. Since the conditions assumed to obtain the revised SDR's were considered to be a "worst case" scenario, including the assumption that surface runoff would occur in the woodlands, even these revised SDR's were considered to be high.

The effect of the revised SDR of 30% for woodland on the computed sediment delivered to the stream channel is shown in Table 4. Sediment delivered to channels from woodland surface erosion would decrease in direct proportion to the SDR, reducing the estimated woodland sediment delivered by 57% from 392,000 tons per year to 168,000 tons per year. Total diffuse non-point surface erosion from all critically eroding lands would be reduced by 42% from 529,000 tons per year to 305,000 tons per year. If the revised totals of sediment delivered from diffuse non-point surface erosion are combined with the USACE estimates of 78,000 tons per year of channel erosion and 138,000 tons per year of identified non-point source sediment and flood plain scour delivered to channels, the total sediment yield for the basin is reduced by 30% from 745,000 tons per year to 521,000 tons per year (Table 5).

Table 4. Sediment delivery from critically eroding forested and other diffuse, non-point sources in the Cuyahoga River Basin

Source Area	Sediment[1] Dislodged tons/yr	Sediment Delivered	
		Original USACE[2] tons/yr	Revised Estimate[3] tons/yr
Woodland	561,000	392,000	168,000
All other	285,000	137,000	137,000
Total	846,000	529,000	305,000

[1] Based upon USLE estimates given by the U.S. Army Corps of Engineers (USACE) which may not be valid as previously discussed.

[2] Based upon a sediment delivery ratio or SDR = 0.7 for woodlands as given by the USACE, p. 71, Vol. 1, Table 15, USACE Main Report (USACE, 1979).

[3] Based upon a revised SDR = 0.3 for woodlands, all other SDR's unchanged.

Obviously the contribution of sediment to stream channels by woodlands is drastically affected by changing the SDR. Under this new scenario, woodlands only would contribute about 50% of the total sediment delivered by diffuse, non-point sources, rather than the 74% estimated by the

USACE. Considering that the SDR used is a worst case scenario, woodlands probably contribute even less as is commonly anticipated based upon results from erosion studies on forest land. In addition, these estimates are based upon use of the USLE, which is invalid for forest land where overland flow does not occur.

Table 5. Components of estimated total sediment yield on the Cuyahoga River Basin between Independence and Old Portage

Source	USACE tons/yr	Revised tons/yr
Diffuse, non-point (critically eroding)	529,000[1]	305,000[2]
Gully erosion and flood plain scour	138,000[3]	138,000[3]
Channel	78,000[4]	78,000[4]
Total	745,000	521,000

[1] Original estimate by U.S. Army Corps of Engineers (USACE) based in part on Universal Soil Loss Equation, Main Report, Vol. 1, p. 72.

[2] Revised with new sediment delivery ratio of 0.3 for woodlands, see Table 1.

[3] USACE, Supplemental Report, p. 42, (USACE, 1982).

[4] USACE, Main Report, Vol. 1, p. 61, (USACE, 1979).

Erosion studies on forested land in the United States, except in the Pacific Northwest, show a long term average sediment yield of no more than 0.25 tons per acre per year (Patric, et al. 1984). For the 15,448 acres of critically-eroding woodlands defined by the USACE, such a rate of sediment yield would only give 3,900 tons per year in the Cuyahoga River Basin; a value well below that given in Table 4 for even a revised SDR. The total 35,046 acres of all woodlands in the basin at a sediment yield rate of 0.25 ton/ac/yr would only give 8,800 tons per year, still below the revised estimate in Table 4. Thus, the 168,000 tons per year in Table 4 is clearly a very high estimate for woodlands, e.g., a worst case scenario for sediment delivery.

Comparison of estimates of total sediment yield given in Table 5 with sediment yield based upon measurements of suspended solids and estimated bedload yield also shows actual sediment yield is still probably overestimated even with a revised SDR of 0.3. As given earlier, total sediment yield for the Cuyahoga River Basin between Old Portage and Independence averages 350,000 tons/year, while estimates derived using the USLE and estimates of gully erosion, flood plain scour, and channel erosion indicate a total sediment yield of 521,000 tons/yr. Since the data in Table 6 are largely derived from measurements and the data in Table 5 are largely based upon USLE estimates, it is concluded that even the revised estimate for diffuse, non-point erosion given in Table 5 is an overestimate.

Table 6. Estimated sediment yield for Cuyahoga River between Old Portage and Independence based on measured suspended solids and estimated bedload.

Source	Sediment Yield tons/yr
Suspended solids[1]	204,000
Bedload[2]	146,000
Total	350,000

[1] Based upon 28 yrs of data at Independence and 6 yrs at Old Portage.

[2] Based upon estimates using Colby (ASCE, 1977) curves for assumed 0.3mm mean bed particle diameter, depth of 4.68 ft, width of 77 ft and mean velocity of 2.3 ft/s.

The foregoing discussion of a revised SDR basically pertains to a system where surface runoff is available to cause transport of sediment. In fact, as indicated previously, field observation indicates that slumps and earthflows which occur near the channel may be the major source of sediment from woodlands rather than surface erosion in the Cuyahoga River Basin. The irregular hummocky slopes in some woodlands viewed indicate slumping was quite active in the past and although recent slumps were noticeable, most old slumps were quite stable with pole-sized trees growing on them.

Procedures developed by the U.S. Forest Service (1980) to predict sediment delivery to channels from slump-earthflows is based primarily on slope position of the slump-earthflow. Slumps located on the lower third of the slope could ultimately deliver from 10 to 95% of the sediment mass involved to a channel, depending on exact slope position, but not all in one year. Slumps on the upper two-thirds of the slope never yield more than 10% of their sediment to a channel. Thus, only slumps near the channel are of concern. To assess the total sediment yielded by forest land due to slump-earthflow, a procedure completely different from the Universal Soil Loss Equation must be used which considers the number, size, and slope position of slumps (USFS, 1980).

Sediment Delivery in the Local Drainage

Within the local drainage subwatershed, sediment delivery is affected by man-made barriers to sediment transport roughly paralleling the river, namely: the Ohio Canal and the railroad line. Also, all of the identifiable non-point sources of erosion (gully and flood plain scour) existed within the local drainage, but only up to the limits of the Standard Project Flood Area. The impacts of these two circumstances on sedimentation will be discussed qualitatively in this section.

Delivery of sediment from diffuse, non-point sources of erosion may be blocked by the elevated banks of the Ohio Canal and the raised bank of the railroad which generally parallel the main Cuyahoga River. Only where culverts or bridges allow water to be delivered under the rail line could sediment be delivered directly. Due to the generally flat terrain in the local drainage, water often backs up near the mouths of culverts and sedimentation could occur on the flood plain. The canal banks also could divert surface water and prevent direct delivery of sediment to the Cuyahoga River. Thus, delivery of sediment from diffuse non-point erosion sources outside the bounds imposed by the canal and railroad bed in the local drainage is quite complicated. Since the local drainage has the largest computed diffuse, non-point sediment yield, the impacts of these barriers on sediment delivery deserves further study.

Identifiable non-point sediment sources were confined to the Standard Project Flood Area within the local drainage. The Standard Project Flood Area is the area flooded by a flood occurring less frequently than once in 500 years and generally corresponds to the upper limit of the flood plain. On the Cuyahoga River at Independence, the Standard Project Flood would produce a water level 13 feet above bank full stage (USACE, 1969). Although this water level floods considerable flood plain area, delivery of sediment from identifiable non-point sources outside this area is possible where sediment can be delivered to streams tributary to the Cuyahoga River. Attention could be given to the location of identifiable, non-point sources outside the Standard Project Flood Area which could be delivering sediment to a tributary stream and then to the main Cuyahoga River. However, the importance of these sources of sediment cannot be established without more information.

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FOREST TYPES AND SILVICULTURAL PRACTICES

David A. Marquis

METHODS OF STUDY:

Several silvicultural treatments were suggested in the USACE reports to reduce sheet and rill erosion from the woodland and wildlife lands of the Cuyahoga Valley. The feasibility and potential effect on erosion of these treatments were examined by a review of literature concerning forest types and silvicultural practices appropriate to the area, and by on-site examinations of woodlands in 6 or 8 separate areas within the CVNRA. Selected references used in our search of the literature are listed in the bibliography.

During our on-site examinations, we did not collect any detailed data on vegetation or soil conditions, and the stands we visited were not intended to be a statistically adequate sample. However, we did attempt to visit stands on soil types and slope conditions that were identified in the USACE reports as being critical areas for potential erosion. Although each area we visited was unique, there seemed to be two major categories of sites in the areas of critical erosion.

The first condition is typified by several stands we examined in the Furnace Run subdrainage, west of Wheatley Road about a mile from Everett Village. The site was selected because of the large acreage classified as Ellsworth silt loam soil on slope of 25 to 70 percent (ELF2). Much of this area was previously cleared for agriculture, but now supports a forest cover of 20- to 30-year-old trees that seeded in naturally following abandonment of the pasture. There also are some trees of a much older age class, trees that were present while the land was in pasture.

There was little or no evidence of surface runoff or erosion at this site, except on a few small areas of extremely steep slope adjacent to the stream. However, there has been a great deal of mass soil movement, or slumping, on this site. Almost all of this appears to have occurred some time ago, probably while the land was in pasture. The re-establishment of forest cover appears to have stabilized the soil, and there is no evidence of further slumping in areas that have been reforested, although there are a few very small fresh slumps present in the area.

The second major stand condition we considered is typified by numerous stands that we visited throughout the Cuyahoga Valley. Soils varied, but often were classified as rough, broken terrain (RV) in the soil survey reports. In contrast to the previously described condition, these lands typically contained older forest stands, had not been cleared completely for agriculture, and did not show evidence of slumping and mass soil movements.

In our analysis, we considered the several silvicultural treatments recommended in the USACE reports, and attempted to estimate their practicality on these sites. We also considered their possible effect in reducing erosion and sedimentation from the watershed.

FINDINGS:

Forest Cover Types Recognized in Previous Studies

There have been several studies and reports prepared on the forest vegetation in the Cuyahoga Valley. One study was done by the Cleveland Museum of Natural History, and it resulted in the production of a large computer-generated map showing vegetation types as classified in that study. No report other than the map is available, at least from the USNPS. Another report on forest vegetation was prepared for the Ohio Department of Natural Resources, Division of Recreation Planning. It is contained in the Technical Report for the Cuyahoga River Valley Park Study, Volume One, and is available from the USNPS. It contains a detailed description of vegetation types and history, and lists some additional sources of information on the topic. The USACE reports use the vegetation types and data from this Ohio DNR report.

The vegetation types recognized in these two primary documents differ from each other, and neither agrees entirely with the forest cover types recognized by the Society of American Foresters (Eyre 1980). This is not surprising, since the Cuyahoga Valley is located in the transition zone between the northern forest and central forest regions. Not only are forest types characteristic of both regions present in the vicinity, but a long history of past cutting and clearing for agriculture, followed by natural reversion to forests, has resulted in present stands that contain mixtures of many species from both forest regions.

The forest types present on the uplands (the areas of primary concern in this report) can best be described as transition stands--mixtures of northern hardwood and oak-hickory species, with both groups frequently occurring together in the same stand. In our brief examinations, there seemed to be a clearly defined tendency for the oaks to be most prevalent on the ridge tops and drier aspects, whereas the northern hardwoods were most prevalent on the lower slopes and the cooler more moist environments.

Original Forest and Past History

Pre-settlement forests in the vicinity of the Cuyahoga Valley are thought to have been primarily northern types, including typical beech-birch-maple and hemlock-beech types. There were also some white pine and oak-hickory types present. These forests were cut heavily in the 1820's and 1830's (construction of the Ohio and Erie Canal), again in the 1870's and 1880's (construction of the Valley Railroad), and still again in the 1940's (Second World War). Many acres of forest land were cleared for agriculture throughout the 19th and early 20th centuries, and grazing of sheep was common. Much of that land has reverted to forest over the past 40 to 50 years.

The role of fires and grazing are not specifically documented in the Cuyahoga Valley, but the expansion of oak types onto former northern forest sites has frequently been attributed to these factors elsewhere. I suspect that the extent of oak in the Cuyahoga Valley today is due at least in part to fires and grazing over the past 100 to 150 years. Woodland grazing also may have eliminated understory vegetation and contributed to a general absence of humus material on the forest floor.

Understory Vegetation

In our brief examination of forest stands, we noted that understory seedlings, shrubs, and herbaceous plants tended to be rather sparse in those stands that are fully stocked with overstory trees and in those young stands that resulted from heavy cutting during the Second World War or from recent farm abandonment. In both of these cases, the overstory trees are completely utilizing the available light, moisture, and nutrients, so there is little available for understory vegetation. This situation is common in all forests, not just the Cuyahoga Valley.

In less fully stocked and older stands, where the overhead shade is higher and less dense, understory vegetation is more abundant and better developed. We found little or no evidence to suggest that deer browsing, past sheep grazing, soil-site conditions, or other factors would prevent the development of greater understory density if the overstory canopy were thinned.

Forest Floor Characteristics

We examined the forest floor characteristics in 6 or 8 stands where overstory species included predominantly maple-beech, predominantly oak, or predominantly white pine. Throughout the hardwood stands, we found that the forest floor consisted of a mull-type humus, with little or no buildup of undecomposed organic matter at soil surface. During our visit in October, the surface was covered with fresh litter from the current leaf fall. Some of these leaves were already being buried below the surface by earthworms and other soil organisms. This decomposition and incorporation process apparently proceeds very rapidly in this area, so that the previous year's litter almost completely disappears before a new crop is received. This was especially true under maple, beech, and other northern hardwood species. Under oaks, there sometimes was a small amount of partially decomposed organic matter present on the surface in addition to the current year's litter. However, even under oak, this layer was extremely thin and non-contiguous.

In nearly all cases, the mull humus-mineral soil mixture at the surface had an excellent crumb structure that appeared to offer high infiltration rates. Except on extremely steep slopes, we found little visual evidence of overland flow that would be required to yield sheet and rill erosion of the magnitude estimated through the use of the Universal Soil Loss Equation.

On several rather small areas of extremely steep slopes (slopes so steep it was difficult or impossible to walk on them), we did find stones and small twigs on little soil pedestals and some fine roots exposed, indicating that some surface erosion was occurring on these areas. However, we did not find evidence of this eroded material being deposited at the foot of the slopes, or of eroded material being delivered from the foot of the slope to the stream, except where the steep slope ended directly at the stream's edge.

In several stands examined, on sites that previously had been pastured and that showed evidence of soil slippage, we found evidence that soil material definitely was getting into the streams. These observations suggest that mass soil movement may be a more important source of sediment than sheet/rill erosion, although the acreage on which such soil movements were observed was relatively small.

In the one pine stand we examined, we found an undecomposed organic layer of pine needles ranging from one to several inches thick. This layer would provide nearly complete protection against raindrop soil displacement and sheet/rill erosion.

Whether or not surface runoff is occurring to produce sheet and rill erosion of the magnitude estimated by the USACE is a major question; the answer drastically will alter the need and effect of any attempts to manipulate the forest vegetation. Most forest hydrologists do not believe that much surface runoff occurs under normal forest conditions. Whether or not the near complete lack of forest humus and relatively erodible soils of the Cuyahoga Valley make this area an exception to the general rule will have to be determined before any silvicultural recommendations can be given.

Ecological Succession

With changing land use patterns--in particular, fire prevention and control programs and elimination of grazing--the factors favoring oaks on northern hardwood sites are greatly diminished. Especially on the cooler aspects and more moist soils, the trend of ecological succession is for the oaks to be gradually replaced by maple, beech, birch, yellow-poplar, hemlock, and other northern species. Oaks are most likely to be perpetuated on the ridgetops and drier sites. As the gypsy moth moves into Ohio from nearby Pennsylvania over the next 5 to 10 years, the trend to less oaks may well be accelerated, and the desirability of oaks for cover and soil stabilization diminished.

The lack of oak regeneration, even on sites that now support oak stands, is a widespread phenomenon throughout the eastern United States, and the development of silvicultural techniques to maintain oak on these sites is the subject of much research at present. I believe it is fair to say that practical techniques to insure natural oak regeneration on such sites currently are not available.

Thus, the natural trend of ecological succession in the Cuyahoga Valley probably is in the direction of fewer oaks than at present. Although there are some silvicultural techniques available that will help to maintain oak in mixture with other species, there are no techniques that would likely reverse the general trend away from oak.

Without timber cutting or disturbance of some kind, the trend of ecological succession probably will favor shade-tolerant northern species such as beech, hemlock, and maple over less-tolerant species such as yellow-poplar, black cherry, cucumbertree, white ash, and others. There are very few hemlock stands in the Valley at present, and hence little seed source is available to provide regeneration of this species. However, hemlock can be expected to increase in importance over time in those areas where seed sources are available.

Silvicultural Options

The feasibility and potential effect of erosion of several silvicultural treatments suggested in the USACE reports are discussed below.

Woodland Improvement - defined as the selective thinning of species such as maple, ash, and yellow-poplar to encourage growth of species such as oak and conifers that tend to produce a thicker, slower-decomposing humus, and to encourage the development of a lush understory that would reduce raindrop impact on soil erosion.

Commercial thinnings for timber products certainly are feasible on some of the forest land in the Cuyahoga Valley National Recreation Area. Products removed would pay for the cost of the thinning in many stands, and might yield a net profit in some cases.

Such thinnings certainly can be done in such a way as to favor particular species if those species already are present in the stand. Experience in Allegheny hardwoods suggests that an increase of about 5 percent in the favored species after each thinning is reasonable. Thus, two or three thinnings spanning 30 to 60 years might increase the proportion of oak in mixed hardwood stands by 10 to 20 percent, at least in those sections where the several species groups occur together.

A secondary effect of such thinnings is that they undoubtedly would produce an increase in the density of understory vegetation, in response to the light, moisture, and nutrients made available by cutting. This might have some beneficial effect on raindrop soil impact by intercepting drops from the higher canopy and cushioning their impact.

I do not believe that thinnings would have any significant effect on erosion from these forest lands. The lack of understory in cushioning raindrop impact does not appear to be a major factor. The increase in understory density resulting from thinning would not significantly alter the total organic matter deposition, since it is accompanied by a corresponding reduction in litter fall from the overstory. And the species composition changes effected through thinning would produce only a slight shift in composition in favor of oaks. Since the humus under oaks is only marginally better than under northern species, the slight change in species composition that can be achieved through commercial thinning is not likely to have a significant effect on humus layer depth and surface erosion within the life of the current stand. There are few if any stands where thinning would increase the conifer component in any meaningful way.

There also are some crucial, detrimental effects of thinning. Any commercial timber sales require the construction of access roads and the use of tractors or skidders to remove the timber. It is extremely well documented that the roads and disturbance created from this logging machinery is a prime source of erosion and sedimentation. Although studies have shown that carefully controlled logging can keep soil losses well within acceptable levels, these same studies have likewise shown that careless logging can result in increases of many orders of magnitude in erosion and sedimentation. Considering the erodibility of the soils in the area, and the primary objective of reducing sedimentation, I would consider any sort of commercial logging to be extremely undesirable.

The extremely steep slopes, which are the most likely places where overflow and sheet and rill erosion may actually occur to any extent, cannot be logged commercially. Conventional logging equipment cannot operate on such slopes, and removal of trees would greatly increase chances for mass soil movement that dramatically increases sedimentation.

Thinning could be done non-commercially, by cutting or poisoning the unwanted trees without removing any commercial products. While this would avoid increases in erosion from logging, it also would eliminate the income and require vast expenditures of money to realize highly questionable results.

Another major consideration, although not directly related to erosion and sedimentation, is that commercial logging and interference by man in the process of natural ecological succession run directly counter to the USNPS's objectives for management of these lands. Its goal is to re-establish and maintain natural conditions as much as possible and to avoid any sort of intervention or exploitation.

Woodland site preparation and tree planting - This treatment usually requires removal of existing vegetative cover to prepare the way for planting. Plowing, disking, or similar soil treatments required in some areas probably would not be required at Cuyahoga and certainly would be undesirable for the same reasons given above for soil disturbance from logging. The principal purpose in this treatment is to convert the forest to a different type, using species that create a thick layer of undecomposed humus to prevent sheet and rill erosion.

Oak plantations are extremely difficult to establish; in fact, there is considerable doubt that it could be done routinely without extremely high costs. Pine or spruce plantations are much more feasible, and offer far greater humus buildup; so this discussion will be limited to conifer planting.

Successful conifer plantings can be made on lands currently occupied by hardwoods, utilizing two different techniques. In one case, the hardwoods are clearcut and cutover area planted to conifer immediately after cutting. Since hardwood natural regeneration usually develops rather vigorously following such treatments, the success of the plantation often depends upon subsequent applications of herbicides to control the hardwoods until the conifers are large enough to control the site. The other technique is to underplant the conifers while retaining all or part of the hardwood overstory for 5 years or so. This keeps the hardwood reproduction from developing until the planted seedlings are well-established. Then, the hardwood overstory is partially or completely removed to release the conifers and encourage them to grow more rapidly. This procedure has been used successfully to convert poor site hardwoods to pine on dry ridge tops and similar sites where hardwoods develop poorly and conifers grow reasonably well without need for extensive hardwood control.

Both techniques require cutting and/or removal of the existing hardwood overstory at some point. If done by commercial logging, this creates the potential for large increases in erosion and possible soil mass movements until the conifer plantation re-stabilizes the site, as described above for thinning. However, the overstory reductions could be accomplished by girdling or herbiciding the trees to be removed, without commercial removal for timber products. This would have the advantage of adding considerable amounts of organic matter in the form of twigs, branches, and tree trunks. If surface runoff is occurring, this material could serve to reduce it during the time that the conifers are becoming established. Partial overstory removal (as in a shelterwood procedure) using tree girdling or herbicide injection, followed by underplanting of conifers, is the treatment most likely to provide improved forest humus without severe risk of short term increases in erosion from logging.

The costs of planting, herbicide treatments, or other hardwood control measures are quite high. The high cost undoubtedly would limit the amount of acreage that might actually be converted.

There is little doubt that a successfully established conifer plantation would increase the amount of undecomposed litter and humus on the soil surface and provide year-round protection against surface erosion. It would be costly, and would detract from Park Service objectives for the area, but might be warranted on some sites _if sheet and rill erosion is actually as serious as indicated by estimates obtained from the Universal Soil Loss Equation_.

Again, the goals and objectives of the USNPS would be compromised by use of this treatment, as described previously. Certainly, no conversions to conifers should even be considered until some on-the-ground measurements show that overland flow is occurring as a result of the lack of an organic soil horizon on the surface. Even then, the risk for increases in erosion resulting from the conversion process, the cost of the treatment, and the likelihood of success of the planting would all need careful consideration.

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CONCLUSIONS

The Review Team (RT) concludes that the U.S. Army Corps of Engineers' (USACE's) assessment of the causes of, magnitude of, and solutions to the erosion and sedimentation problems in the Cuyahoga River Valley is inconsistent with field observation, available data, and accepted land management practice. The USACE attributed 52% of all sedimentation in the basin between Independence and Old Portage (392,000 tons per year out of a total of 745,000 tons per year) to surface erosion in woodlands and recommended extensive vegetation manipulation (thinning, site preparation, and planting) to alleviate suspected problems. The RT believes that the role of surface erosion in woodlands has been grossly overemphasized because of the following:

1. Lack of field evidence of extensive surface runoff and surface erosion in woodlands.

2. Use of the Universal Soil Loss Equation (USLE) to estimate soil loss that assumes surface runoff and surface erosion.

3. Use of a sediment delivery ratio of 0.7 for woodlands when worst case conditions, based upon a new method of estimating sediment delivery ratios, indicates a sediment delivery ratio of only 0.3 should apply.

4. Sediment delivery to the Cuyahoga River within the local drainage may be blocked by the Ohio Canal and railroad bed which was not considered by USACE.

5. Field evidence that indicates slumps along stream channels to be a major contributor of sediment from woodlands and not surface erosion.

6. Field evidence that indicates most slumps, which probably occurred 40-50 years ago during agricultural use of the land, now are stabilized by forest regrowth.

7. Suspended sediment measurements and bedload yield estimates for the Cuyahoga River between Old Portage and Independence that indicate total sediment yield is only 350,000 tons/yr, much lower than the USACE estimate of 745,000 tons/yr.

8. Published information that indicates undisturbed woodlands have the lowest sediment yields of all land use types.

9. The trend between suspended sediment measured at Independence and precipitation over the past 30 years, which indicates a stable erosion regime unlike that on severely disturbed areas.

10. Lack of correspondence between suspended sediment yield measured at Independence and annual volumes of sediment dredged from Cleveland Harbor which indicates that the Cuyahoga River Valley upstream from Independence may not be the source of sediment.

The RT further concludes that sedimentation in Cleveland Harbor cannot be linked definitely to erosion in the Cuyahoga Valley National Recreation Area. Earlier studies indicate that the sediment in Cleveland Harbor, in part, may be flue dust and not sediment derived from erosion. Furthermore, the contribution of the urbanized area surrounding Cleveland Harbor to sediment accumulation in the harbor itself has not been considered. Such urbanized areas are highly disturbed and could be a major source of sediment for the harbor. Thus, the material dredged from Cleveland Harbor, in part, may be derived from the area downstream from Independence, Ohio and not the Cuyahoga Valley National Recreation Area.

The RT also feels that for a more complete, future assessment of erosion sources within the Cuyahoga Valley, downcutting of the channel should be considered. The dredging operation in Cleveland Harbor could be steepening the channel banks and bed and causing a gradual readjustment of channel slope through downcutting. The erratic pattern of annual sediment volumes dredged from Cleveland Harbor, in comparison to the rather stable record of suspended solids measurements at Independence above the harbor, suggests the oversteepened channel bed and banks downstream from Independence could be a major sediment source.

Mass movements such as slumping have been identified as a major source of sediment in woodlands; consequently, any forest cutting recommended by the USACE should be viewed with caution because of the potential loss of soil stability caused by decaying root systems of the cut trees. Soils in the CVNRA are prone to slumping under agricultural use and seem stable under forest cover, based on field observation. A limited amount of natural slumping along stream courses in susceptible soils must be expected. However, if trees are cut, root systems decay and, within several years, a period of increased slumping will occur until new vegetation is established. Moreover, skidding and roading activities, associated with commercial forest cutting, will increase surface erosion from the disturbed areas. The RT therefore concludes that forest cutting is far more likely to aggravate than ameliorate the sediment problem in the CVNRA.

RECOMMENDATIONS

Overall, the RT does not feel that sufficient evidence is available to support the hypothesis that erosion within the CVNRA, especially in the woodlands, is causing major sedimentation problems in Cleveland Harbor. The RT recommends that the following studies be conducted in the order listed to establish a sufficient data base.

1. Determine if sediment yielded by the Cuyahoga River Valley between mile 40.2 and mile 13.8 is a significant contributor to sediment accumulation in Cleveland Harbor. Measurements of suspended sediment and bedload yield at mile 40.2, mile 13.8, and mile 0.0 (mouth of the Harbor) will be needed, along with measurements of sediment trapped in the channel below mile 13.8. Data collection would require several years over typical hydrologic conditions to obtain representative numbers. This study would establish the severity of the erosion problem in the CVNRA in relation to Cleveland Harbor sedimentation.

2. If the Cuyahoga River Valley between mile 40.2 and mile 13.8 is found to be a major contributor of sediment to Cleveland Harbor, then determine the major sources of stream sediment in the Cuyahoga Valley National Recreation Area by comparing measurements of suspended sediment concentrations in streams affected by various point-sources and diffuse sources of sediment. Simultaneous sampling of streams during storms at selected stations would be required. Sediment concentrations then could be related statistically to various types, soil disturbances, soil types, or channel reaches. This study would show where to concentrate any erosion control effort which may be needed.

3. If particular land-use types, disturbance types, soil types, etc. are found to be associated with significantly greater stream sediment concentrations, then specific investigations of methods for control of such erosion can be initiated. However, it is premature to focus on management methods for control of erosion from a particular type of land at this time until recommendations 1 and 2 are addressed.

APPENDIX II

Additional Material Submitted for the Record

STATEMENT OF

SENATOR JOHN GLENN

ON H.R. 934

CUYAHOGA VALLEY NATIONAL RECREATION AREA

EROSION CONTROL

U.S. Senate
Energy and Natural Resources Committee
Public Lands, Reserved Water and
Resource Conservation Subcommittee

February 21, 1986
SD-366
10:00 A.M.

Mr. Chairman: I am pleased to testify today on behalf of H.R. 934, legislation which would provide certain authority to reduce shoreline erosion and sedimentation within the Cuyahoga Valley National Recreation Area. This legislation has passed the House of Representatives and deserves our prompt approval in the Senate.

Shoreline erosion is a serious problem afflicting the Cuyahoga River Basin. Studies have identified the erosion of lands within the Cuyahoga Valley National Recreation Area as a major source of the Cuyahoga River sedimentation problem. The legislation which is being considered today would control the erosion in this national recreation area, save taxpayer dollars through reduced dredging costs, and enhance business opportunities in Cleveland, Ohio.

The major concern addressed by this bill is the sediment that travels from the Cuyahoga Valley Recreation Area and settles in the Cleveland Harbor and navigation channel. The sediment forms shoals in the navigation channel which forces commercial shippers to reduce their load before proceeding upriver. These shoals disrupt traffic until July each year, when the Army Corps of Engineers completes the annual dredging of the Cleveland Harbor. Cleveland Harbor has one of the highest dredging costs of all Great Lakes Ports, at $4 million per year.

This legislation calls for appropriations totaling $4.75 million over a 4 year period. The Army Corps of Engineers has estimated that for each dollar invested through this erosion control project, the Federal government can save $1.50 to $2 in dredging costs. This estimate, I might add, does not include the savings realized through reducing the need for additional dredge disposal facilities.

Mr. Chairman, this legislation does not commit a large sum of money, but it does present an excellent opportunity to realize future savings while investing in Cleveland's commercial health. Such opportunities deserve prompt consideration by the United States Senate. I urge the Committee to report this legislation favorably.

JOHN H. CHAFEE
RHODE ISLAND

United States Senate
WASHINGTON, DC 20510

1986 FEB 14 AM 8 00

February 13, 1986

The Honorable Malcolm Wallop
Chairman
Subcommittee on Public Lands, Reserved
Water and Resource Conservation
United States Senate
Washington, D.C. 20510

Dear Malcolm:

It has come to my attention that a hearing will be conducted on S. 1766 next week. As a cosponsor of the legislation, I would like to take an opportunity to express my wholehearted support for the bill.

We are all aware that Senator J. Glenn Beall, Sr. spearheaded efforts to protect and maintain the historical value of the C&O Canal. What better way to honor the Senator than by dedicating the Cumberland terminus of the C&O Canal National Historical Park to his memory.

I certainly hope the subcommittee finds it appropriate to report favorably on this legislation.

Best wishes.

Sincerely,

PAUL LAXALT
NEVADA

COMMITTEE ON APPROPRIATIONS
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February 21, 1986

Dear Malcolm:

Mr. Carl Shipley of the C&O Canal National Historical Park Commission has informed me that there will be a hearing on S. 1766. This bill establishes a memorial for Senator Glenn Beall. I think this bill has merit, and I urge you to give it favorable consideration.

Thank you for allowing me to express my opinion on this worthwhile bill. If I can do anything to expedite its passage, please do not hesitate to contact me.

Sincerely,

Paul

PAUL LAXALT
U.S. Senator

PL:kme

The Honorable Malcolm Wallop
Chairman, Subcommittee on Public Land,
Reserved Water and Resource Conservation
Dirksen Senate Office Building
Room SD-308
Washington, D.C. 20510

Statement of Representative Tony Coelho
Subcommittee on Public Lands, Reserved Water and
Resource Conservation
Senate Committee on Energy and Natural Resources
H.R. 1390 - Authorizing long-term leases in the El Portal
Administrative Site, Yosemite National Park, California

I am pleased that the Subcommittee on Public Lands is holding hearings on H.R. 1390 - legislation I introduced on March 4, 1985 to authorize long-term leases in the El Portal Administrative Site adjacent to Yosemite National Park. This legislation was passed by the House of Representatives on July 15 last year.

The beauty of Yosemite National Park is well-known to many people. Over 2.5 million persons from all over the world visit Yosemite each year, and I know the chairman of the subcommittee is one of those who has had the opportunity to see all that the park has to offer.

With the large number of visitors to Yosemite, it is not surprising to hear that the park is first among all national parks for overnight visitation and concessioner revenues. To accommodate these visitors, Yosemite Valley has been developed more and more and has now reached a point where no further development is possible without threatening the valley and the park. Yosemite Valley is only seven miles in length and less than a mile wide. Yet in this small space there are more than 1,300 buildings and other structures.

Congress realized in 1958 the need to discourage further development in the park by authorizing the establishment of the El

Portal administrative site outside the boundary of the park. This legislation was passed to encourage both the concessionaire, Yosemite Park and Curry Company, as well as the National Park Service, to move nonessential housing and administrative facilities out of Yosemite Valley.

Unfortunately, this legislation was not very successful in accomplishing its goals and in 1968 it was amended to further encourage development of El Portal. The General Management Plan for the park approved in November 1980 also endorsed the objective of moving non-essential functions and homes for park and concession employees to El Portal.

The need for additional housing of park employees cannot be disputed. Many of the housing units that are currently provided in Yosemite for staff are completely inadequate. Those who work only seasonally or part-time are housed in tent cabins that do not even meet standards set by the State of California.

Additionally, those who live in privately-owned homes in El Portal have also found that the homes do not meet California building codes. Because the houses are under the authority of the National Park Service as special use permits, NPS has the authority to cancel the permits on 30 days notice making the owners of these homes unable to get financing to bring these homes up to code.

There still are some roadblocks that need to be removed before this area can be adequately developed to meet the needs of park employees. The chief problem facing those who want to move to El Portal is the lack of adequate construction financing from local banking institutions. At the present time, the maximum lease that can be obtained is for 55 years. Banks are reluctant to provide loans if lands cannot be leased for at least 75 years.

H.R. 1390 would address this problem by allowing leases to be granted for up to 99 years. By permitting the longer lease terms, leases would be brought in line with the standards of the banking industry and banks would be able to lend the funds that are needed to continue development within El Portal. It also would make qualified federal and supporting employees eligible for these leases, along with park concessionaire employees.

I know that the Administration has expressed its opposition to the off-budget earmarking feature of this legislation where the funds acquired through the lease payments would be earmarked for management of the El Portal community. The Administration would rather that these funds be returned to the treasury and that funds for management and additional development be acquired through the appropriations process.

I strongly oppose returning the lease funds to the treasury and relying on the appropriations process to get the needed development funds. We all know that the Administration is continuing to cut funds for the National Park Service and it does not appear that the trend will reverse itself in the near future. Additionally, the park service has not been successful in obtaining funds in the past for the development of the El Portal site and I do not believe the coming years will be any different.

I question the figures used by the Administration in determining the amount of money that will be generated by the leases over the next few years. I also question the assertion that the money obtained from the leases will be considerably more than is needed to pay for the costs of managing the community. By keeping these lease proceeds off-budget, we will be insuring that the El Portal administrative site will be properly maintained for the local residents and it will not again deteriorate to the position it is in today because of the lack of adequate improvements.

The residents of the park and El Portal have been in need of this legislation for a long time. I urge the subcommittee members to act as quickly as possible on H.R. 1390, so that we can proceed with the development of El Portal and help to eliminate unnecessary congestion and facilities in Yosemite Valley, and in turn guarantee that the beauty of Yosemite National Park will be maintained for future generations.